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# JOURNAL

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OF THE

REGULAR SESSION—(Continued)

OF THE

# HOUSE OF REPRESENTATIVES

OF THE

# State of Georgia



1939

Volume II

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Representative Hall, Atlanta, Ga.,

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Friday, March 3rd, 1939.

The House met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

By unanimous consent, the call of the roll was dispensed with.

Mr. Harrison of Jenkins, Acting-Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first period of unanimous consents:

1. Introduction of bills and resolutions under the Rules of the House.
2. Report of Standing Committees.
3. Second reading of bills and resolutions, favorably reported.
4. Third reading and passage of local uncontested bills and resolutions of the House and Senate.
5. First reading and reference of Senate bills and resolutions.

By unanimous consent, the following bills of the House were introduced, read the first time and referred to the Committees:

By Mr. Foster of Towns—

House Bill No. 704. A bill to be entitled an Act to require the Tax Collector of Towns County to issue all tax receipts in numerical order; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Grice of Bibb—

House Bill No. 705. A bill to be entitled an Act to amend Section 26-4604 of the Code of 1933, relating to the compounding of offenses; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Mr. Grice of Bibb—

House Bill No. 706. A bill to be entitled an Act to amend Section 27-423 of the Code of 1933 providing for the binding over of defendants in a criminal case by courts of a municipal corporation; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Messrs. Bennett of Ware, Coogler of Clayton, Rossee of Putnam, Lovett of Laurens and Wiggins of Dodge—  
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House Bill No. 707. A bill to be entitled an Act to appropriate \$25,000.00 to the Commissioner of the Department of Natural Resources for the purpose of renovating, repairing, preserving and displaying natural resources; and for other purposes.

Referred to Committee on Special Appropriations.

By Mr. DeFoor of McIntosh—

House Bill No. 708. A bill to be entitled an Act to levy a gross receipts tax on all persons, partnerships, associations or corporations operating oil companies in Georgia; and for other purposes.

Referred to Committee on Ways and Means.

By Messrs. Branch of Tift, Sumner of Worth and Swindle of Berrien—

House Bill No. 709. A bill to be entitled an Act to amend an Act approved March 31, 1937, Georgia Laws 1937, Page 716, et sequentia, by providing that all persons selling or buying livestock shall do so by bill of sale; and for other purposes.

Referred to Committee on Special Judiciary.

By Mr. Davis of Coweta—

House Bill No. 710. A bill to be entitled an Act to require all transportation companies which carry passengers for hire and which operate on fixed routes between points within this State separated by a distance of twenty-five miles or more to provide a seat for every passenger to whom a ticket is sold; and for other purposes.

Referred to Committee on Motor Vehicles.

By Messrs. Yawn and Wiggins of Dodge—

House Bill No. 711. A bill to be entitled an Act to amend Georgia Laws 1937, Page 1312, regulating the holding of primary elections, by providing when said primary elections shall be held for the selection of county officers; and for other purposes.

Referred to Committee on Privileges and Elections.

By Mr. Jones of Brantley—

House Bill No. 712. A bill to be entitled an Act to amend Georgia Laws 1931, Page 394, entitled an Act to abolish the offices of Tax Receiver and Tax Collector of Brantley County, and creating the office of County Tax Commissioner and fixing his compensation; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Dean of Rockdale—

House Bill No. 713. A bill to be entitled an Act to amend an Act to make comprehensive provision for an integrated tax administration for Georgia; to create the Department of Revenue and the office of State Revenue Commissioner; and for other purposes.

Referred to Committee on Uniform State Laws.

By Messrs. Fowler of Treutlen, Campbell of Newton, Corbett of Atkinson, Harrison of Jenkins, Jones of Richmond, Simmons of Decatur, DeFoor, of McIntosh, Atkinson of Chatham and Marshall of Macon—

House Bill No. 714. A bill to be entitled an Act creating the State Park Authority; and for other purposes.

Referred to Committee on Conservation.

By Mr. Chappell of Sumter—

House Bill No. 715. A bill to be entitled an Act to amend an Act approved March 31, 1937, Georgia Laws, 1937, Pages 491-496, so as to provide that property sold for tax foreclosure may be redeemed from such sales by the amount paid for such property, plus certain fees; and for other purposes.

Referred to Committee on Ways and Means.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 716. A bill to be entitled an Act to repeal an Act entitled An Act to incorporate the Town of Lilburn, in the County of Gwinnett; to provide for a mayor and councilmen and other officers; to prescribe their duties; to provide for the enacting of all necessary ordinances; to provide for penalties for violation of the same; and for other purposes.

Referred to Committee on Municipal Government.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bill of the Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 127. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills of the House, to-wit:

House Bills Nos. 213, 231, 358, 364, 529, 537.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills and resolutions of the House, to-wit:

House Bills Nos. 85, 324, 330, 368, 433, 451, 453, 462, 476, 523.

House Resolutions Nos. 22-130A, 36-160A.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Kendrick of Fulton County, Chairman of the Committee on Industrial Relations, submitted the following report:

Mr. Speaker:

Your Committee on Industrial Relations have had under consideration the bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 496. Do pass.

Respectfully submitted,

Kendrick of Fulton, Chairman.

Mr. Atkinson of Chatham County, Chairman of the Committee on General Judiciary No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 1 have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 628. Do pass as amended.

House Bill No. 668. Do pass.

House Bill No. 613. Do pass.

~~House Bill No. 612.~~ Do pass.

Senate Bill No. 65. Do pass.

Senate Bill No. 77. Do pass.

Senate Bill No. 104. Do pass by substitute.

Respectfully submitted,

Atkinson of Chatham, Chairman.

Mr. Chappell of Sumter County, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

Your Committee on Motor Vehicles have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 182. Do not pass.

House Bill No. 513. Do not pass.

Respectfully submitted,

Chappell of Sumter, Chairman.

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 695. Do pass.

House Bill No. 701. Do pass.

House Bill No. 702. Do pass.

House Bill No. 703. Do pass.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Lovett of Laurens County, Chairman of the Committee on Public Highways No. 1, submitted the following report:

Mr. Speaker:

~~Your Committee on~~ Public Highways No. 1 have had under consideration the following bills and resolution of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 690. Do pass.

House Bill No. 677. Do pass.

Senate Resolution No. 44. Do pass.

Respectfully submitted,

Lovett of Laurens, Chairman.

Mr. Edwards of Lowndes County, Chairman of the Committee on State of Republic, submitted the following report:

Mr. Speaker:

Your Committee on State of Republic have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 482. Do pass.

House Bill No. 120. Do pass by substitute.

House Bill No. 21. Do not pass.

Senate Bill No. 123. Do pass.

Respectfully submitted,

Edwards of Lowndes, Chairman.

Mr. Marion Ennis of Baldwin County, Chairman of the Committee on State Sanitarium, submitted the following report:

Your Committee on State Sanitarium have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 698. Do pass.

Respectfully submitted,

Marion Ennis of Baldwin, Chairman.

By unanimous consent, the following bills of the House and Senate, favorably reported, were read the second time:

By Messrs. Rogers and Davis of Floyd—

House Bill No. 120. A bill to be entitled an Act to amend an Act approved March 31, 1937, authorizing counties, cities and towns to acquire, construct, reconstruct, improve, better and extend revenue-producing undertakings, by providing for the building of hospitals, medical clinics, and general public health work; and for other purposes.

By Mr. Edwards of Lowndes—

House Bill No. 482. A bill to be entitled an Act to prohibit the sale, offering or exposing fireworks; and for other purposes.

By Mrs. Mankin of Fulton—

House Bill No. 496. A bill to be entitled an Act to regulate the employment of children in the State of Georgia; and for other purposes.

By Messrs. Grice of Bibb and Whipple of Bleckley—

House Bill No. 612. A bill to be entitled an Act to regulate the procedure in certain civil actions in the Superior Courts; to prescribe the time and manner of filing cases; and for other purposes.

By Mr. Bell of Grady—

House Bill No. 613. A bill to be entitled an Act to permit J. W. Barwick to bring a suit against the Commissioner of Agriculture of the State of Georgia; and for other purposes.

By Mr. Bell of Grady—

House Bill No. 628. A bill to be entitled an Act to provide for admissibility in evidence in State Courts of certified copies of notes, bonds, mortgages, deeds, contracts, or other papers related to or connected with the business operations of the United States; and for other purposes.

By Mr. Bennett of Ware—

House Bill No. 668. A bill to be entitled an Act to amend General Tax Act approved March 28, 1935, (Georgia Laws 1935, pages 11-72) so as to provide exemption of one-armed or one-legged or indigent persons from payment of license fees imposed; and for other purposes.

By Messrs. Looper of Dawson, Warren of Forsyth, and Barrett of Cherokee—

House Bill No. 677. A bill to be entitled an Act to amend the Neill-Traylor Act by adding thereto a certain road approximately 20 miles long, in Dawson County and Forsyth County; and for other purposes.

By Messrs. Swindle of Berrien and Claxton of Johnson—

House Bill No. 690. A bill to be entitled an Act to authorize the State Highway Department to expend State-Aid Road funds upon any rural or post roads of the State not on the State Highway Road System; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

~~House Bill No. 695.~~ A bill to be entitled an Act to amend Acts approved December 15, 1893, and August 13, 1931, to provide that the Mayor of Lawrenceville shall be an Ex-Officio member of the Lawrenceville Board of Education; and for other purposes.

By Messrs. Marion Ennis and J. H. Ennis of Baldwin—

House Bill No. 698. A bill to be entitled an Act to provide for the sale of surplus products of institutions under the control and supervision of the State Department of Public Welfare; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 701. A bill to be entitled an Act to amend the charter of the Town of Decatur so as to extend the limits of said town; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 702. A bill to be entitled an Act to amend the charter of the Town of Decatur so as to extend the corporate limits of said town; and for other purposes.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 703. A bill to be entitled an Act to amend the charter of the City of Augusta and amendments thereto by providing and establishing an annual municipal budget; and for other purposes.

By Senator Millican of the 52d District—

Senate Bill No. 65. A bill to be entitled an Act to amend Section 38-1504 of the Civil Code of 1933 of Georgia, which deals with witnesses who fail to answer a subpoena by adding thereto power of court to punish such witness by imprisonment; and for other purposes.

By Senators Smith of the 24th, Millican of the 52d, and Lindsay of the 34th Districts—

Senate Bill No. 77. A bill to be entitled an Act to amend section 84-1404 of the Code of Georgia of 1933 relating to the creation of the Georgia Real Estate Commission; appointment; qualifications; terms of office, vacancies; meetings; and for other purposes.

By Senators Durden of the 10th and Harrell of the 7th Districts—

Senate Bill No. 104. A bill to be entitled an Act to amend an Act provided for the registration of trade names, partnership names, etc., so as to provide that the registration of such trade names shall be advertised in the county in which such trade names are registered; and for other purposes.

By Senators Durden of the 10th, Spivey of the 16th and Harrell of the 7th Districts—

Senate Bill No. 123. A bill to be entitled an Act to provide that "The Georgian Waltz" be adopted as the official Georgia Waltz; and for other purposes.  
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By Senator Redman of the 26th District—

Senate Bill No. 127. A bill to be entitled an Act to amend an Act creating a Board of Commissioners of Roads and Revenues for Butts County; and for other purposes.

By Senator Lindsay of the 34th District—

Senate Resolution No. 44. A resolution Directing State Highway Department to investigate, ascertain and report to 1941 session of General Assembly what weights of vehicles various types of highways in State can safely carry, fair compensation motor vehicles shall annually pay for construction and maintenance of highways, and what size and dimension of vehicle should be operated on highways to insure reasonable safety to highway users; and for other purposes.

By unanimous consent, the following bills of the House and Senate were read the third time, and placed upon their passage:

By Messrs. Marion Ennis and J. H. Ennis of Baldwin—

House Bill No. 626. A bill to be entitled an Act to authorize the Mayor and Aldermen of the City of Milledgeville, to release, grant and convey certain land to The Board of Trustees of Georgia Military College; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Boyd of Greene—

House Bill No. 636. A bill to be entitled an Act to amend an Act to incorporate City of Union Point in the County of Greene; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Marion Ennis of Baldwin—

House Bill No. 640. A bill to be entitled an Act to amend an Act providing for the election of a Board of County Commissioners; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Easley of Whitfield—

House Bill No. 644. A bill to be entitled an Act to amend an Act establishing the charter of the City of Dalton, and all Acts amendatory thereof; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Easley of Whitfield—

House Bill No. 645. A bill to be entitled an Act to repeal an Act incorporating the Town of Tunnel Hill in Whitfield County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Easley of Whitfield—

House Bill No. 646. A bill to be entitled an Act to amend an Act approved February 24, 1874, amending and codifying the various Acts incorporating the City of Dalton; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Thornton of Elbert—

House Bill No. 650. A bill to be entitled an Act to amend an Act providing a charter for the City of Elberton; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 109, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 655. A bill to be entitled an Act to amend the charter of

the City of East Point to annex certain territory subject to a referendum; and for other purposes.

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The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Gross and Roughton of Washington—

House Bill No. 660. A bill to be entitled an Act to amend an Act creating the Board of County Commissioners of Washington County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 111, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Wiggins and Yawn of Dodge—

House Bill No. 664. A bill to be entitled an Act to amend an Act to abolish the office of Treasurer of Dodge County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 112, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Ferguson of Sumter—

House Bill No. 665. A bill to be entitled an Act to amend an Act to revise and consolidate the several Acts granting corporate authority to the Town of Leslie; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 113, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Ansley of Lee—

House Bill No. 670. A bill to be entitled an Act to amend an Act to establish a new charter for the Town of Leesburg, in the County of Lee; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 114, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Scott and Tipton of Thomas—

House Bill No. 672. A bill to be entitled an Act to authorize the City of Thomasville to create a City Authority by city ordinance; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 115, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Rossee of Putnam—

House Bill No. 674 A. A bill to be entitled an Act to amend an Act authorizing a system of public schools for the City of Eatonton; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 116, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Tippins of Wilcox—

House Bill No. 675. A bill to be entitled an Act to create a Board of Roads and Revenues of Wilcox County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 117, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Stiles of Fannin—

House Bill No. 679. A bill to be entitled an Act to repeal an Act to incorporate the Town of Epworth in the County of Fannin; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 118, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Howard of Long—

House Bill No. 687. A bill to be entitled an Act to amend an Act creating a Board of Roads and Revenues for the County of Long; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the ayes were 119, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Beck of Carroll—

House Bill No. 688. A bill to be entitled an Act to amend an Act creating the charter of the Town of Bowdon; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 120, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Warnell of the 1st District—

Senate Bill No. 105. A bill to be entitled an Act to amend an Act creating and establishing the City Court of Pembroke; and for other purposes.

The following House amendment to Senate Bill No. 105, was read and adopted:

Mr. Gill of Bryan moves to amend Senate Bill No. 105, as follows:

In line two of sub-section 5 of Section 1 by substituting the figures \$33.33 in lieu of the figures \$45.00.

That Section six (6) be stricken in its entirety.

The report of the Committee, which was favorable to the passage of the bill, as amended, was agreed to.

On the passage of the bill, as amended, the ayes were 121, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

By Senator Cloud of the 19th District—

Senate Bill No. 111. A bill to be entitled an Act to increase the term of office of the Board of County Commissioners of Taliaferro County; and for other purposes.

The following Committee amendment to Senate Bill No. 111, was read and adopted:

The Committee moves to amend Senate Bill No. 111 by striking from Section 4 of same the words "one hundred (\$100.00) dollars per month" and substituting therefor the words "Seventy five (\$75.00) dollars per month"

The report of the Committee, which was favorable to the passage of the bill, as amended, was agreed to.

On the passage of the bill, as amended, the ayes were 122, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

By Senator Smith of the 24th District—

Senate Bill No. 130. A bill to be entitled an Act relating to the erection and maintenance of a proposed mill structure over the east end of the 14th street bridge in the City of Columbus; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 123, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the following bills of the Senate were read the first time and referred to the Committees:

By Senator Manning of the 39th District—

Senate Bill No. 43. A bill to be entitled an Act to define and prohibit reckless driving; to restrict the speed limit; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senators Nix of the 32nd and Causey of the 46th Districts—

Senate Bill No. 44. A bill to be entitled an Act to promote the public welfare by providing for public assistance to all disabled and indigent persons above one year of age who are 90% disabled on account of disease or accident from earning a livelihood; and for other purposes.

Referred to Committee on Public Welfare.

By Senator Millican of the 52nd District—

Senate Bill No. 150. A bill to be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City of Atlanta to issue revenue certificates; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Senator Thrasher of the 27th District—

Senate Bill No. 159. A bill to be entitled an Act to specify the qualifications of state employees; and for other purposes.

Referred to Committee on State of Republic.

By Senators Nix of the 32d, Manning of the 39th and Ingram of the 51st Districts—

Senate Bill No. 169. A bill to be entitled an Act to amend the Neill-Traylor

Act authorizing the Highway Board to add to the State Aid System a certain road in Dawson County, Forsyth County; and for other purposes.

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Referred to Committee on Public Highways No. 1.

By Senator Millican of the 52d District—

Senate Bill No. 170. A bill to be entitled an Act to provide for a budget in all counties in this state having a certain population; and for other purposes.

Referred to Committee on Counties and County Matters.

By unanimous consent, the following bill of the House was placed on the calendar for the purpose of disagreeing to the unfavorable report of the Committee:

By Mr. Evans of McDuffie—

House Bill No. 21. A bill to be entitled an Act to repeal an Act establishing the Georgia Radio Commission; and for other purposes.

The following resolution of the House was read and adopted:

By Messrs. Reid of Carroll and Looper of Dawson.

House Resolution No. 170.

#### A RESOLUTION

Whereas: There is within the City of Atlanta a Band consisting of 125 of the City's most charming and beautiful young ladies, under the capable leadership of Mr. H. A. Taylor, and

Whereas: This Band is possessed with sufficient talent to produce most beautiful music from almost all known musical instruments, and

Whereas: Said Band has been officially designated by His Excellency Hon. E. D. Rivers, Governor of Georgia, as the Georgia State Girls Military Band, and

Whereas: There appears to be no too great amount of harmony in this House,

Therefore: Be it resolved that The Georgia State Girls Military Band be invited to appear before this House on Wednesday, March 8, at 4:30 P. M., to display their charm and talents.

Under the order of unfinished business, the following bill of the House was again taken up for consideration:

By Messrs. Harvey of Upson and Trippe of Polk—

House Bill No. 435. A bill to be entitled an Act to raise revenue by levying a tax for the benefit of dependent children, etc., to repeal certain tax laws; and for other purposes.

At the time of adjournment on Thursday, the House had under consideration

the Committee Substitute to House Bill No. 435, and further consideration of Section 7, was resumed:

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The following amendment to Section 7, was read:

Messrs. Lanier and Jones of Richmond move to amend substitute to House Bill No. 435, by adding to Section 7, a new sub-section to be properly numbered to read as follows:

Milk, corn-meal, flour, sugar, coffee, meat, salt, bread and rolls, lard, syrup, molasses and ice.

On the adoption of the amendment, Mr. Evans of McDuffie moved the previous question, the motion prevailed, and the main question ordered.

On the adoption of the amendment, the ayes were 64, the nays 55.

The amendment was adopted.

The following amendments to Section 7, were read and adopted:

Mr. Clements of Calhoun moves to amend Committee Substitute to House Bill No. 435, Section 7, sub-division "C", by adding in last line paragraph 2, immediately after the word newspapers: "seed for planting" so that when amended, paragraph shall read "seed for planting, fertilizer and containers used for farm products when sold directly to the farmer"

Mr. Forrester of Crisp moves to amend Substitute to House Bill No. 435, Section 7, by striking from sub-section "C" the word "newspapers"

Messrs. Lanier and Jones of Richmond move to amend substitute to House Bill No. 435, by adding to Section 7, a new sub-section to be properly numbered to read as follows:

"There is hereby specifically exempt from tax imposed by this Act the following: Bagging and ties, cotton, whether in the form of lint cotton or seed cotton and whether baled or not or whether sold by the original producer or not."

Messrs. Lanier and Jones of Richmond moves to amend substitute to House Bill 435, by adding to Section 7. a new sub-section to be properly numbered to read as follows:

"All medicines sold by prescription or Physician, compounded, or processed or blended by the Druggist or Physician offering same for sale at Retail."

Mr. Davis of Coweta moved that the House do now adjourn until 10:00 o'clock Monday.

On the motion to adjourn, Mr. Forrester of Crisp moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Etheridge of Houston	McNall
Allen	Evans of Laurens	Merritt
Allison of Gwinnett	Ferguson of Camden	Middleton
Almand	Flanders	Pannell
Barlow	Ford	Pharr
Barrett	Forrester of Dade	Pierce
Bell	Foster	Preston
Blease	Fowler of Douglas	Rawlins
Bloodworth	Fowler of Treutlen	Rossee
Bruce	Franklin of Bulloch	Roughton
Bush	Gaines	Sabados
Campbell	Gavin	Sanders
Carrington	Goolsby	Sapp
Cheney	Graham	Smith of Henry
Clary	Greene	Smith of Schley
Clements of Marion	Gross of Washington	Stiles
Conner	Guyton	Strickland of Pierce
Culpepper of Fayette	Harrison of Crawford	Sumner
Daughtry	Hinson	Tate
Davidson	Jackson	Vickery
Davis of Coweta	Joel	Wages
Davis of Floyd	Johnson	Whipple
DeFoor	Jones of Paulding	Whitaker
Dockery	Kimbrough	Wiggins
Edwards of Lowndes	King	Wohlwender
Edwards of Taylor	Looper	Wright
Elliott	Lovett	Yeomans
Ennis, J. H.	Maxwell	

Those voting in the negative were Messrs.:

Ansley	Forrester of Crisp	Mason
Bennett of Ware	Franklin of Polk	Moore of Lumpkin
Boyd of Cook	Gill	Moore of Taliaferro
Boyd of Greene	Goddard	Morgan
Brooks of Jackson	Grayson	Parker
Bynum	Grice	Pilcher
Carmichael of Butts	Harrison of Jenkins	Purdy
Clements of Calhoun	Harvey	Reid
Clements of Wheeler	Henderson	Thigpen of Glascock
Coogler	Holtendorff	Trippe
Cook	Jones of Brantley	Turner
Dean	Lanham	Warren
Ennis, Marion	Mankin	
Ferguson of Sumter	Marshall	

Those not voting were Messrs.:

Allison of White	Etheridge of Baker	Mills
Atkinson	Etheridge of Fulton	Mosely
Beck	Evans of McDuffie	Moss
Bennett of Clarke	Gowen	Parham
Binion	Grant	Ragan
Blackshear	Griffin	Rees
Branch	Gross of Stephens	Rogers
Bray	Harden	Rountree
Brooks of Oglethorpe	Hardman	Sams
Candler	Hatchett	Sartain
Carmichael of Cobb	Hayes	Saunders
Carter	Herndon	Scott
Chappell	Hill	Simmons
Clark	Howard	Smiley
Claxton	Jones of Richmond	Strickland of Haralson
Cobb	Kaigler	Summerour
Connell	Kelley	Swindle
Corbett	Kendrick	Terrell
Culpepper of Mitchell	Kennedy	Thigpen of Evans
Curry	Key	Thornton
Dallis	Lanier	Tippins
Dickerson	Lewis	Tipton
Douglass	McBride	Tomlinson
Drake	McCracken	Wells
Drinkard	McDaniel	Williams of Bacon
Easley	McGraw	Williams of Ware
English	Miller	Yawn

By unanimous consent, the roll call was verified.

On the motion to adjourn until Monday, the ayes were 84, the nays 40.

The motion prevailed, and House Bill No. 435 went over until that time under the order of unfinished business.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House, to-wit:

By Mr. Whipple of Bleckley—

House Bill No. 251. A bill to amend an Act abolishing the treasury and providing for a depository of Bleckley County; and for other purposes.

By Mr. Fowler of Douglas—

~~House Bill No. 374.~~ A bill to amend an Act by providing for fixing of compensation of the members and Chairman of Board of Commissioners of Douglas County; and for other purposes.

By Mr. Douglass of Talbot—

House Bill No. 417. A bill to abolish the offices of Tax Collector and Tax Receiver and to create the office of Tax Commissioner of Talbot County; and for other purposes.

By Mr. Goolsby of Monroe—

House Bill No. 457. A bill to amend an Act approved Aug. 28, 1931, by fixing the compensation of Monroe County Tax Commissioner; and for other purposes.

By Mr. Thigpen of Glascock—

House Bill No. 485. A bill to incorporate the City of Edgehill in Glascock County; and for other purposes.

By Messrs. Aiken and Franklin of Bulloch—

House Bill No. 492. A bill authorizing the governing authorities of the City of Statesboro to pass rules, regulations and ordinances whereby said city may be zoned or districted; and for other purposes.

By Mr. Lovett of Laurens—

House Bill No. 500. A bill amending a new charter for the City of Dublin by providing for marshaling of water moneys into a sinking fund and improvement of the water system; and for other purposes.

By Mr. Saunders of Harris—

House Bill No. 519. A bill to amend an Act by increasing the salary of the Commissioners of Roads and Revenues of Harris County; and for other purposes.

By Messrs. Ford and Sumner of Worth—

House Bill No. 534. A bill to provide manner of fixing salary of the Mayor of the City of Sylvester; and for other purposes.

By Messrs. Almand and Preston of Walton—

House Bill No. 547. A bill to amend an Act entitled "An Act to Create a Board of Commissioners of Roads and Revenues for the County of Walton"; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. Barrett of Cherokee—

House Bill No. 447. A bill to amend an Act approved January 26, 1922, creating a new charter for the said town; to change the name from the Town of Canton to the City of Canton; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Gross of Stephens, Clements of Wheeler, Trippe of Polk and Morgan of Troup—

House Bill No. 218. A bill to amend Act entitled an Act to create a Department of Public Safety, approved March 19, 1937, by providing for additional members of the Georgia State Patrol; by providing compensation scales for patrol members; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate, to-wit:

By Senator Dawson of the 2nd District—

Senate Bill No. 175. A bill proposing to the qualified voters an amendment to the Constitution so as to authorize the Willie Consolidated School District in Liberty County to incur a bonded indebtedness; and for other purposes.

By Senator Warnell of the 1st District—

Senate Bill No. 177. A bill proposing to the qualified voters an amendment to the Constitution so as to authorize the City of Savannah to incur a bonded indebtedness in addition to that heretofore authorized; and for other purposes.

The following Communication was submitted, ordered filed and printed:

COMMUNICATION NO. 22

[www.libtool.com.cn](http://www.libtool.com.cn)

March 3, 1939.

Hon. Roy Harris,  
House of Representatives,  
Atlanta, Ga.

We have heretofore submitted to the House through you a recommendation as to creating an independent purchasing department, and attached to this recommendation was a bill for this purpose. This bill has been introduced and reported favorably by the Ways & Means Committee.

By reason of evidence submitted to this committee, which evidence we think makes a prima facie case as to the sale of certain materials heretofore bought by the State, monopolistic and collusive bidding, we therefore recommend that hereafter on all bids received by any department of the State or any person in behalf of any department of this State, that the following form letter be adopted, and no other (except in case of emergencies as defined in the law as to purchases):

LETTER

Gentlemen:

Sealed bids will be received by the State of Georgia at .....  
Atlanta, Georgia, until ..... for furnishing the following  
(date)

materials to the ..... of the State of  
(Department, Board, Agency, etc.)

Georgia, f. o. b. ...., Georgia:

Approximately

.....  
.....  
.....

All materials to meet ..... specifications  
(Department, Board, Agency, etc.)

dated .....

Quantities are approximate only and may be increased or decreased, as the  
..... sees fit.

(Dept., Board, etc.)

Right is reserved to reject any or all bids.

There is also attached an affidavit which must be executed by each bidder and returned with the enclosed proposal.

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Please mark envelope 'Sealed bid to be opened .....

Yours very truly,  
State of Georgia,

By .....

and that the following form proposal be adopted, and no other:

PROPOSAL

Date .....

Proposal of .....

..... of .....

for furnishing the following .....

(material or equipment)

.....  
.....  
.....

..... to be delivered at .....

(material or equipment)

Georgia, F.O.B. ....

To .....:

(Department, Board, Agency, etc.)

Sirs: The following proposal is made on behalf of .....

.....

(Names of those interested)

and no others. Evidence of my authority to submit the proposal is herewith furnished. The proposal is made without collusion on the part of any person, firm or corporation.

The following is my itemized proposal:

(See attached sheet for itemized proposal)

It is understood and agreed that I have read .....

(Department, Agency, Board,

Bureau, etc.)

..... Specifications dated ..... and

understand that this proposal is made in accordance with the provisions of said specifications, and that said specifications are made a part of this proposal as completely as if the same were attached thereto.

It is understood and agreed that this proposal is one of several competitive bids made to the ..... , and in consideration of the (Dept., Board, etc.)

mutual agreements of the bidders, similar hereto, and in consideration of the sum of One Dollar cash in hand paid, receipt whereof is hereby acknowledged, the undersigned agrees that this proposal shall be an option, which is hereby given by the undersigned to the ..... to accept (Department, Board, Agency, etc.)

or reject this proposal at any time within thirty days from the date on which this sealed proposal is opened and read, and, in consideration of the premises, it is expressly covenanted and agreed that this proposal is not subject to withdrawal by the proposer or bidder, during the term of said option. There is attached hereto properly executed an affidavit showing that this bidder has no interest, directly or indirectly, in any other bid or proposal for said ..... (Material or equipment)

and that this bidder will not receive any commission, directly or indirectly, on the sale of said ..... in the event some other (Material or equipment)

person, firm or corporation should be declared low bidder for said ..... (Material or equipment)

Witness my hand and seal this the ..... day of ....., 19.....

Terms: .....

Discount: .....

Signature .....(L.S.)

Address .....

and the following affidavit be required on each and every offer of sale, bid or proposal to the State wherein bids are required by law:

AFFIDAVIT

STATE OF .....

COUNTY OF .....

Before me, an officer of said State, authorized by law to administer oaths personally came ....., who on oath says that the

attached proposal is submitted independently of any other bid or proposal, and that this bidder has no interest, directly or indirectly, in any other bid or proposal for said [www.libtool.com.cn](http://www.libtool.com.cn)....., and that this bidder will not

(Material or equipment)

receive any commission or any sum whatsoever, directly or indirectly, on the sale of said ..... in the event some other person,

(Material or equipment)

association, first or corporation should be declared low bidder or awarded the contract or sale for said .....

(Material or equipment)

.....  
Affiant.

Sworn to and subscribed before me this the.....day of....., 193.....

.....  
(Notary Public or other officer  
authorized to administer oaths)

However, though it is recommended that the above form letter and proposal and affidavit be adopted and no other, there should be provided that in the event other information not required by the above stated letter, proposal or affidavit may be desired, the same may be demanded by the Supervisor of Purchases or by any other person soliciting the bid.

We further recommend that the proper law be enacted that if any person submits with reference to a proposal to sell to the State an affidavit containing a false statement, that that person and the firm, corporation or association that he makes such affidavit for, be barred from the bidders' list for not less than two years.

We further recommend, upon the fact appearing that some employees of the State have been using the wholesale purchasing facilities of the State for the purpose of making private purchases for themselves, that the law applicable to purchases by the State be amended, prohibiting the State Department of Purchases and all departments of this State from purchasing for any employee of this State through the use of the purchasing facilities of this State any goods, wares or merchandise for his personal use, and prohibiting any department head requisitioning any property to be used by any employee for his individual use or benefit.

This recommendation is based on the fact that it has not been unusual for department heads to include in their requisitions on the purchasing department goods, wares and merchandise which, bought at wholesale by the purchasing department, was in turn resold to the individual employee of the department at the price which it was sold to the State for. We think this unfair competition as against

people selling goods, wares and merchandise, who are helping bear the tax burden of this State and trying to build this Commonwealth, and there is of course some expense added by the use of the purchasing department to this end.

Respectfully submitted,

Committee on Economy and Efficiency,  
House Resolution No. 9,

William D. Lanier, Chairman,

James V Carmichael, Vice-Chairman.

Attest:

J. H. Duggan, Jr.,  
Secretary.

Leaves of absence were granted to Messrs. Rogers of Floyd, Whipple of Bleckley, Sartain of Walker, Howard of Long, Smiley of Liberty, Guyton of Effingham and Yeomans of Wayne.

The Speaker announced the House adjourned until 10:00 o'clock Monday.

Representative Hall, Atlanta, Ga.,

[www.libtool.com.cn](http://www.libtool.com.cn)

Monday, March 6th, 1939.

The House met pursuant to adjournment this day at 10:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

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

Aiken	Clements of Wheeler	Forrester of Dade
Allen	Cobb	Foster
Allison of Gwinnett	Connell	Fowler of Douglas
Allison of White	Conner	Fowler of Treutlen
Almand	Coogler	Franklin of Bulloch
Ansley	Cook	Franklin of Polk
Atkinson	Corbett	Gaines
Barlow	Culpepper of Fayette	Gavin
Barrett	Culpepper of Mitchell	Gill
Beck	Curry	Goddard
Bell	Dallis	Goolsby
Bennett of Clarke	Daughtry	Gowen
Bennett of Ware	Davidson	Graham
Binion	Davis of Coweta	Grant
Blackshear	Davis of Floyd	Grayson
Blease	Dean	Greene
Bloodworth	DeFoor	Grice
Boyd of Cook	Dickerson	Griffin
Boyd of Greene	Dockery	Gross of Stephens
Branch	Douglass	Gross of Washington
Bray	Drake	Guyton
Brooks of Jackson	Drinkard	Harden
Brooks of Oglethorpe	Easley	Hardman
Bruce	Edwards of Lowndes	Harrison of Crawford
Bush	Edwards of Taylor	Harrison of Jenkins
Bynum	Elliott	Harvey
Campbell	English	Hatchett
Candler	Ennis, J. H.	Hayes
Carmichael of Butts	Ennis, Marion	Henderson
Carmichael of Cobb	Etheridge of Baker	Herndon
Carrington	Etheridge of Fulton	Hill
Carter	Etheridge of Houston	Hinson
Chappell	Evans of Laurens	Holtzendorff
Cheney	Evans of McDuffie	Howard
Clark	Ferguson of Camden	Jackson
Clary	Ferguson of Sumter	Joel
Claxton	Flanders	Johnson
Clements of Calhoun	Ford	Jones of Brantley
Clements of Marion	Forrester of Crisp	Jones of Paulding

Jones of Richmond	Moss	Strickland of Pierce
Kaigler	Pannell	Summerour
Kelley	Parham	Sumner
Kendrick	Parker	Swindle
Kennedy	Pharr	Tate
Key	Pierce	Terrell
Kimbrough	Pilcher	Thigpen of Evans
King	Preston	Thigpen of Glascock
Lanham	Purdy	Thornton
Lanier	Ragan	Tippins
Lewis	Rawlins	Tipton
Looper	Rees	Tomlinson
Lovett	Reid	Tripp
Mankin	Rogers	Turner
Marshall	Rossee	Vickery
Mason	Roughton	Wages
Maxwell	Rountree	Warren
McBride	Sabados	Wells
McCracken	Sams	Whipple
McDaniel	Sanders	Whitaker
McGraw	Sapp	Wiggins
McNall	Sartain	Williams of Bacon
Merritt	Saunders	Williams of Ware
Middleton	Scott	Wohlwender
Miller	Simmons	Wright
Mills	Smiley	Yawn
Moore of Lumpkin	Smith of Henry	Yeomans
Moore of Taliaferro	Smith of Schley	Mr. Speaker
Morgan	Stiles	
Mosely	Strickland of Haralson	

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolution of the House, to-wit:

By Mr. DeFoor of McIntosh—

House Bill No. 152. A bill to repeal an Act to license resident live stock dealers in McIntosh County; and for other purposes.

By Mr. Davis of Floyd—

House Bill No. 209. A bill to amend the Code so as to make it mandatory upon county authorities to furnish an office in the courthouse for county superintendents of schools; and for other purposes.

By Mr. Thigpen of Glascock—

House Bill No. 279. A bill to reduce the official bond of the sheriff of Glascock County from \$5000 to \$3000; and for other purposes.

By Mr. Hill of Screven—

House Bill No. 348. A bill to fix the compensation of the County Treasurer of Screven County; to provide for a referendum submitting this Act to the qualified voters of Screven County; and for other purposes.

By Mr. Hardman of Madison—

House Bill No. 350. A bill to amend an Act providing that vacancy in the office of Commissioner of Madison County shall be filled by election of the people; and for other purposes.

By Messrs. Bruce, Dallis and Morgan of Troup—

House Bill No. 355. A bill to amend an Act to create a new charter for the City of West Point; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 361. A bill to amend an Act to create a new charter for the City of Douglas by repealing the limitation of the authority of said city to issue bonds; and for other purposes.

By Mr. Gavin of Clay—

House Bill No. 475. A bill to repeal an Act establishing the City Court of Ft. Gaines; and for other purposes.

By Messrs. Sartain and Kelley of Walker—

House Bill No. 477. A bill to amend the charter of the City of Rossville; and for other purposes.

By Mr. DeFoor of McIntosh—

House Bill No. 509. A bill to amend an Act creating Commissioners of McIntosh County, as amended, so as to have said Commissioners elected for a term of two years; and for other purposes.

By Mr. Coogler of Clayton—

House Bill No. 512. A bill to amend an Act to create a Board of Commissioners of Roads and Revenues for Clayton County; and for other purposes.

By Mr. Kaigler of Quitman—

House Bill No. 514. A bill to repeal an Act creating the office of Solicitor for the County Court of Quitman County; and for other purposes.

By Mr. Carmichael of Butts—

House Bill No. 545. A bill to amend the charter of the City of Jackson so as to change the time of election thereof; and for other purposes.

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By Mr. Rawlins of Telfair—

House Resolution No. 141-533 A. A resolution providing for payment of premium on surety bonds of Clerk and Deputy Clerk of the Superior Court of Telfair County; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bills of the House, to-wit:

By Mr. Yawn of Dodge—

House Bill No. 141. A bill to amend an Act entitled an Act to creat a new charter for the City of Eastman; to consolidate the Acts relating to the rights and powers of said corporation; and for other purposes.

By Mr. McBride of Montgomery—

House Bill No. 467. A bill to amend an Act creating a Board of Commissioners of Roads and Revenues for the County of Montgomery and enacting in lieu a new section providing for five commissioners; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate, to-wit:

By Senator Sanders of the 36th District—

Senate Bill No. 88. A bill to provide that the salary of the deputy clerk of the Court of Appeals shall be the same as the salary of the deputy clerk of the Supreme Court; and for other purposes.

By Senator Millican of the 52d District—

Senate Bill No. 109. A bill to amend the Code of 1933 so as to provide that any county may establish and maintain quarters or other places of confinement for misdemeanor convicts; and for other purposes.

By Senator Millican of the 52d District—

Senate Bill No. 149. A bill establishing a new charter for the City of Atlanta; and for other purposes.

By Senator Holt of the 3d District—

Senate Bill No. 171. A bill authorizing the City of Baxley to create a City Authority by city ordinance; and for other purposes.

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By Senator Millican of the 52d District—

Senate Bill No. 173. A bill to amend an Act by providing for pension for members of police department in cities having a population of 150,000; and for other purposes.

By Senator Lindsay of the 34th District—

Senate Bill No. 183. A bill to amend the Code relating to appointment of members of the State Board of Medical Examiners; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendment to the following bills of the Senate, to-wit:

By Senator Williams of the 31st District—

Senate Bill No. 94. A bill to reduce the bond of the Sheriff of Habersham County from \$10,000 to \$4,000; and for other purposes.

By Senator Millican of the 52d District—

Senate Bill No. 132. A bill to amend an Act establishing a new charter for the City of Atlanta; and for other purposes.

Mr. Coogler of Clayton, Chairman of the Committee on Journals, reported that the Journal of Friday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business, during the first period of unanimous consents:

1. Introduction of bills and resolutions under the Rules of the House.
2. Report of Standing Committees.
3. Second reading of bills and resolutions, favorably reported.
4. Third reading and passage of local uncontested bills and resolutions of the House and Senate.
5. First reading and reference of Senate bills and resolutions.

By unanimous consent, the following bills and resolution of the House were introduced, read the first time and referred to the Committee:

By Mr. Jones of Paulding—

House Bill No. 717. A bill to be entitled an Act to create a new charter for the Town of Dallas; and for other purposes.

Referred to Committee on Municipal Government.

By Messrs. Sabados and Allen of Dougherty—

House Bill No. 718. A bill to be entitled an Act to provide and empower City of Albany to furnish aid and relief and pensions to all officers, agents and employees of the City of Albany; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Kennedy of Tattnall—

House Bill No. 719. A bill to be entitled an Act to amend the charter of the City of Glennville; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Kennedy of Tattnall—

House Bill No. 720. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution of Georgia so as to authorize the Reidsville School District to incur a bonded indebtedness in addition to that heretofore authorized; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Mr. Boyd of Greene—

House Bill No. 721. A bill to be entitled an Act to create a new charter for the City of Greensboro; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. McNall of Chatham—

House Bill No. 722. A bill to be entitled an Act to amend Section 45-801 of the Georgia Code of 1933 by requiring persons owning or leasing oyster beds in this State to register with the County Commissioners or Ordinary a private mark; and for other purposes.

Referred to Committee on Game and Fish.

By Mr. McNall of Chatham—

House Bill No. 723. A bill to be entitled an Act to amend Section 45-512 of the Georgia Code of 1933 by prohibiting the use of nets in the rivers and sounds of this State for the purpose of catching fish; and for other purposes.

Referred to Committee on Game and Fish.

By Mr. McNall of Chatham—

~~House Bill No. 724~~ A bill to be entitled an Act to amend Section 45-322 of the Georgia Code of 1933 relating to the use of traps, poisons, drugs and explosives in killing birds and animals; and for other purposes.

Referred to Committee on Game and Fish.

By Mr. McNall of Chatham—

House Bill No. 725. A bill to be entitled an Act to amend Section 45-602 of the Code of 1933 by prohibiting the taking of shad between sunrise and sundown on any day of the week; and for other purposes.

Referred to Committee on Game and Fish.

By Mr. McNall of Chatham—

House Bill No. 726. A bill to be entitled an Act to amend Section 45-601 of the Code of 1933, by changing the open season during which shad may be taken from the waters of this State; and for other purposes.

Referred to Committee on Game and Fish.

By Mr. Swindle of Berrien—

House Bill No. 727. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City of Ray City to incur a bonded indebtedness in addition to that heretofore authorized; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Mr. Evans of McDuffie—

House Bill No. 728. A bill to be entitled an Act to provide the manner in which justices of the peace and notaries shall be compensated in criminal cases in counties of certain population; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Stiles of Fannin and Sartain of Walker—

House Bill No. 729. A bill to be entitled an Act to provide for the special taxation by the State and by the counties, school districts, municipalities and other political sub-divisions of the State, etc., of all corporations organized under the laws of the United States, engaged in the generation, sale or distribution of electricity; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Messrs. Stiles of Fannin and Sartain of Walker—

House Bill No. 730. A bill to be entitled an Act to provide for the ad valorem taxation of property owned in this State by corporations organized under

the laws of the United States and by agencies of the United States engaged in proprietary as distinguished from governmental activities in this State; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Mr. Etheridge of Fulton—

House Bill No. 731. A bill to be entitled an Act to amend an Act entitled "An Act to promote temperance and prosperity for Georgia people; to foster and encourage the growing of grapes, fruits and berries on Georgia farms; to legalize the making of light domestic wines; to exempt from all taxes, wines made from crops of grapes, fruits and berries whether wild or cultivated by producers in Georgia of such crops and to provide for the holding of an election to ratify or reject this Act; and for other purposes."

Referred to Committee on Temperance.

By Messrs. Rawlins of Telfair and Yawn of Dodge—

House Bill No. 732. A bill to be entitled an Act to provide for a tax on jute bags, sheeting and bagging, when sold within the State of Georgia; and for other purposes.

Referred to Committee on General Agriculture No. 1.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 733. A bill to be entitled an Act to amend Georgia Laws 1923, pages 775-780, changing the corporate limits of the Town of Snellville; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Rawlins of Telfair—

House Bill No. 734. A bill to be entitled an Act to amend Georgia Laws 1931, pages 566-574, so as to provide the amount of fees to be charged by the sheriff of Telfair County for dieting prisoners; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Hill of Screven—

House Bill No. 735. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City of Sylvania to incur bonded indebtedness in addition to that heretofore authorized; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Mr. Flanders of Emanuel—

House Bill No. 736. A bill to be entitled an Act to amend an Act entitled an Act to incorporate the City of Swainsboro; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 737. A bill to be entitled an Act to incorporate the Town of Sugar Hill in the County of Gwinnett and State of Georgia; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Atkinson of Chatham—

House Bill No. 738. A bill to be entitled an Act to revise, alter and amend the several Acts incorporating the Town of Tybee, now known as Savannah Beach, Tybee Island, Georgia; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Ferguson of Camden—

House Bill No. 739. A bill to be entitled an Act granting to the Commissioners of Roads and Revenues of Camden County in the State of Georgia authority to regulate in said county along any or all roads which now has authority to adopt and enforce zoning ordinances therein, the heights, size and use of buildings and other structures; the size of yards, courts, and other open spaces; the density of population; and the regulation, location and use of buildings, open spaces, streets and structures respectively for trade, industry, residence, recreation and other purposes; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Kendrick of Fulton—

House Bill No. 740. A bill to be entitled an Act to provide for a merit system of personnel administration in the employment service of Fulton County; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Bray of Bartow—

House Bill No. 741. A bill to be entitled an Act to prohibit the use of metal seals, clips, wires or tags on containers of feed for live stock; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Mr. Clark of Catoosa—

House Resolution No. 171-740 A. A resolution authorizing the State Librarian to furnish certain law books to Catoosa County; and for other purposes.

Referred to Committee on Public Library.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 742. A bill to be entitled an Act to amend Article VII, Section 7, Paragraph 1, of the Constitution so as to authorize the City Council of Augusta to make temporary loans; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 743. A bill to be entitled an Act to amend the charter of the City of Augusta so as to authorize the City Council of Augusta to make temporary loans and provide for their repayment; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Culpepper of Fayette—

House Bill No. 744. A bill to be entitled an Act to amend the Act incorporating the Town of Tyrone, Georgia; and for other purposes.

Referred to Committee on Municipal Government.

By Messrs. Campbell of Newton, Smith of Henry, Carmichael of Butts and Key of Jasper—

House Bill No. 745. A bill to be entitled an Act to authorize fishing with hook and lines at all times during the year in Jackson Lake, located in the counties of Newton, Jasper, Butts and Henry; and for other purposes.

Referred to Committee on Game and Fish.

By Mr. Brooks of Oglethorpe—

House Bill No. 746. A bill to be entitled an Act to add a certain road in Oglethorpe County to the State Highway System known as Neill-Traylor Map; and for other purposes.

Referred to Committee on Public Highway No. 1.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 747. A bill to be entitled an act to amend an Act creating the City Court of Colquitt County; and for other purposes.

Referred to Committee on Special Judiciary.

By Messrs. Sams, Candler and Turner of DeKalb—

House Bill No. 748. A bill to be entitled an Act to amend the charter of the City of Pine Lake, in DeKalb County; and for other purposes.

Referred to Committee on Municipal Government.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 696. Do pass as amended.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 704. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills of the House, to-wit:

House Bills Nos. 614, 622, 626, 636, 640, 644, 645, 646, 650, 655, 660, 664, 665, 670, 672, 674 A, 675, 679, 687, 688.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills of the House, to-wit:

House Bills Nos. 251, 374, 417, 457, 467, 485, 492, 500, 519, 534, 547.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Almand of Walton County, Chairman of the Committee on Penitentiary, submitted the following report:

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Mr. Speaker:

Your Committee on Penitentiary have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 546. Do pass.

House Bill No. 656. Do not pass.

House Bill No. 574. Do not pass.

House Bill No. 575. Do not pass.

Respectfully submitted,

Almand of Walton, Chairman.

By unanimous consent, the following bills of the House, favorably reported, were read the second time:

By Mr. King of Coweta—

House Bill No. 546. A bill to be entitled an Act to amend Section 77-349, Code of 1933, by adding the following words: "which shall include per diem actual expenses including traveling expenses or any other expenditure made by the members of the Board"; and for other purposes.

By Mr. Boyd of Cook—

House Bill No. 696. A bill to be entitled an Act to amend an Act (Georgia Laws 1933, pages 161 to 172) to provide that Cook County be re-imbursed out of highway funds for amounts expended in the erection of Whitehurst Bridge across Little River on State Route 65 and Rock Bridge across Little River on Route 76; and for other purposes.

By Mr. Foster of Towns—

House Bill No. 704. A bill to be entitled an Act to require the tax collector of Towns County to issue all tax receipts in numerical order; and for other purposes.

By unanimous consent, the following bills of the House and Senate were read the third time and placed upon their passage:

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 695. A bill to be entitled an Act to amend an Act to establish a system of public schools in the Town of Lawrenceville, Georgia; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 701. A bill to be entitled an Act to amend an Act creating and establishing a new charter and municipal government for the Town of Decatur, in DeKalb County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 702. A bill to be entitled an Act to amend an Act creating and establishing a new charter and municipal government for the Town of Decatur, so as to extend the corporate limits of said town; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 703. A bill to be entitled an Act to amend the charter of the City of Augusta, and the several Acts amendatory thereof; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Redman of the 26th District—

Senate Bill No. 127. A bill to be entitled an Act to amend an Act creating a Board of Commissioners of Roads and Revenues for Butts County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the following bills of the Senate were read the first time and referred to the Committees:

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By Senator Sanders of the 36th District—

Senate Bill No. 88. A bill to be entitled an Act to provide that the salary of the deputy clerk of the Court of Appeals shall be the same as the salary of the deputy clerk of the Supreme Court; and for other purposes.

Referred to Committee on Special Judiciary.

By Senator Millican of the 52nd District—

Senate Bill No. 109. A bill to be entitled an Act to amend Section 201, Chapter 77, Title 77, Georgia Code of 1933, so as to provide that any county may establish and maintain quarters or other places of confinement for misdemeanor convicts; and for other purposes.

Referred to Committee on Penitentiary.

By Senator Millican of the 52nd District—

Senate Bill No. 149. A bill to be entitled an Act to amend an Act establishing a new Charter for the City of Atlanta, approved February 28, 1874; and for other purposes.

Referred to Committee on Municipal Government.

By Senator Holt of the 3d District—

Senate Bill No. 171. A bill to be entitled an Act to authorize the City of Baxley to create a City Authority by city ordinance; and for other purposes.

Referred to Committee on Municipal Government.

By Senator Millican of the 52nd District—

Senate Bill No. 173. A bill to be entitled an Act to amend an Act entitled "An Act to repeal an Act approved August 18, 1925, and to provide for a pension for members of the police department in cities having certain population"; and for other purposes.

Referred to Committee on Municipal Government.

By Senator Dawson of the 2nd District—

Senate Bill No. 175. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the Willie Consolidated School District of Liberty County to incur a bonded indebtedness; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Senator Warnell of the 1st District—

Senate Bill No. 177. A bill to be entitled an Act to amend Article 7, Section 7,

Paragraph 1, of the Constitution of the State of Georgia so as to authorize the City of Savannah to incur a bonded indebtedness in addition to that heretofore authorized; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Senator Lindsay of the 34th District—

Senate Bill No. 183. A bill to be entitled an Act to amend Section 84-903 of the Code of 1933 relating to the appointment of members of the State Board of Medical Examiners so as to provide that members may be appointed without regard to ratio as to the number of members to be appointed from any particular school of medicine; and for other purposes.

Referred to Committee on Hygiene and Sanitation.

The following resolutions were read and adopted:

By Messrs. Harris of Richmond, Hayes of Miller, Mills of Decatur, Drake of Seminole, Scott of Thomas, Gross of Stephens, Bell of Grady, and Culpepper and Bush of Mitchell—

House Resolution No. 172.

#### A RESOLUTION

Whereas, the Honorable J. M. Simmons, our Representative from Decatur County, is confined to his home on account of illness, and

Whereas, the members of the House will miss the genial gentleman from Decatur County during his absence,

Now, therefore, be it resolved by the House that we express to Mr. Simmons our deep regrets of his illness and wish for him a speedy recovery.

By Senators Durden of the 10th and Howe of the 38th Districts—

Senate Resolution No. 53. A resolution that the Interstate Commerce Commission be memorialized and petitioned by the General Assembly of this State to immediately effectuate the said uniform rate structures; and for other purposes.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Mr. McBride of Montgomery—

House Bill No. 467. A bill to be entitled an Act to amend an Act creating a Board of Commissioners of Roads and Revenues for the County of Montgomery by repealing Section 1 of said Act; and for other purposes.

The following Senate amendment to House Bill No. 467, was read and agreed to:

The Senate moves to amend House Bill No. 467, by amending Section 1 thereof, by adding the following at the end of said section:

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“Provided, that in the event there are two or more candidates residing in any one Militia District, only the one in such district obtaining the highest number of votes shall be elected as a member of the Board of Commissioners of Roads and Revenues.”

Under the order of unfinished business, the following bill of the House was again taken up for consideration:

By Messrs. Harvey of Upson and Trippe of Polk—

House Bill No. 435. A bill to be entitled an Act to raise revenue by levying a tax for the benefit of dependent children, etc., to repeal certain tax laws; and for other purposes.

At the time of adjournment on Friday, the House had under consideration the Committee Substitute to House Bill No. 435, and further consideration of Section 7, was resumed:

The following amendment was read:

Messrs. Edwards of Lowndes and Tippins of Wilcox move to amend the Committee Substitute for House Bill No. 435, by adding another section thereto; to be appropriately numbered to read as follows:

The provisions of this bill shall not apply to any Sale of Farm Implements such as plows, cultivators, harrows, distributors, mowers, rakes, and hoes and any and all other tools used in the cultivating of crops.

Provided further that the caption of said bill be amended accordingly.

On the adoption of the amendment, Mr. Pilcher of Warren moved the ayes and nays, and the call was sustained.

The roll call was sustained and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Culpepper of Mitchell	Forrester of Crisp
Allison of Gwinnett	Davidson	Forrester of Dade
Allison of White	Davis of Coweta	Franklin of Bulloch
Barlow	Dockery	Franklin of Polk
Barrett	Drinkard	Gill
Binion	Easley	Goddard
Blease	Edwards of Lowndes	Grant
Bush	Edwards of Taylor	Guyton
Bynum	Etheridge of Baker	Harden
Carter	Evans of Laurens	Hinson
Clary	Evans of McDuffie	Joel
Clements of Wheeler	Ferguson of Sumter	Johnson

Jones of Brantley	Pannell	Smith of Schley
Jones of Paulding	Parham	Strickland of Haralson
Jones of Richmond	Parker	Thigpen of Glascock
King	Pierce	Thornton
Lovett	Pilcher	Tipton
Maxwell	Ragan	Warren
McBride	Reid	Wells
McCracken	Sabados	Williams of Bacon
Mosely	Saunders	Wohlwender

Those voting in the negative were Messrs.:

Almand	Ferguson of Camden	McNall
Ansley	Flanders	Middleton
Atkinson	Ford	Miller
Beck	Foster	Mills
Bennett of Ware	Gavin	Moore of Lumpkin
Bloodworth	Gowen	Moore of Taliaferro
Boyd of Greene	Graham	Morgan
Branch	Grayson	Pharr
Bruce	Greene	Preston
Carmichael of Butts	Grice	Purdy
Carrington	Griffin	Rawlins
Cheney	Gross of Stephens	Rountree
Clark	Gross of Washington	Sartain
Claxton	Harrison of Crawford	Saunders
Clements of Calhoun	Harvey	Scott
Coogler	Hatchett	Stiles
Corbett	Henderson	Strickland of Pierce
Curry	Herndon	Sumner
Dallis	Hill	Swindle
Daughtry	Jackson	Tate
Dean	Kaigler	Thigpen of Evans
Dickerson	Kennedy	Trippe
Drake	Key	Vickery
Elliott	Kimbrough	Whitaker
English	Lewis	Wiggins
Ennis, Marion	Mankin	Yawn
Etheridge of Fulton	Mason	
Etheridge of Houston	McGraw	

Those not voting were Messrs.:

Allen	Bray	Carmichael of Cobb
Bell	Brooks of Jackson	Chappell
Bennett of Clarke	Brooks of Oglethorpe	Clements of Marion
Blackshear	Campbell	Cobb
Boyd of Cook	Candler	Connell

Conner	Howard	Sapp
Cook	Kelley	Simmons
Culpepper of Fayette	Kendrick	Smiley
Davis of Floyd	Lanham	Smith of Henry
DeFoor	Lanier	Summerour
Douglass	Looper	Terrell
Ennis, J. H.	Marshall	Tippins
Fowler of Douglas	McDaniel	Tomlinson
Fowler of Treutlen	Merritt	Turner
Gaines	Moss	Wages
Goolsby	Rees	Whipple
Hardman	Rogers	Williams of Ware
Harrison of Jenkins	Rossee	Wright
Hayes	Roughton	Yeomans
Holtzendorff	Sams	

By unanimous consent, the verification of the roll call was dispensed with.

On the adoption of the amendment, the ayes were 63, the nays 82.

The amendment was lost.

Section 7, as amended, was adopted.

Section 8. PROCEDURE WHEN DEALER CEASES BUSINESS. Be it further enacted by the authority aforesaid:

(a) If any dealer liable for any tax, interest or penalty levied hereunder shall sell out his business or stock of goods or shall quit the business, he shall make a final return and payment within fifteen days after the date of selling or quitting business. His successor, successors or assigns, if any, shall withhold sufficient of the purchase money to cover the amount of such taxes, interest and penalties due and unpaid until such time as the former owner shall produce a receipt from the Commissioner of Revenue showing that they have been paid.

Section 8, was adopted.

Section 9. WHEN TAXES DUE AND PAYABLE. Be it further enacted by the authority aforesaid:

(a) The taxes levied hereunder shall be due and payable monthly beginning on the first day of the month next following the date this Act takes effect; and for the purpose of ascertaining the amount of tax payable under this Act, it shall be the duty of all dealers, on or before the 20th day of the month following the month in which this tax shall become effective, to transmit to the Commissioner, upon forms prescribed, prepared and furnished by him, returns, under oath, showing the total sales or purchases, as the case may be, arising from all sales or purchases taxable under this Act, during the preceding calendar month, or during the part of the preceding calendar month, running from the effective date of this Act to the end of such month; and thereafter, like returns shall be prepared and transmitted to said Commissioner by all dealers, on or before the 20th day of each

month, for the preceding calendar month. Such returns shall show such further information as the Commissioner may require to enable him to correctly compute and collect the tax herein levied. Every dealer at the time of making the return required hereunder, shall compute and remit to the Commissioner the required tax due for the preceding calendar month.

(b) Proceeds from rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto, in accordance with such rules and regulations as the Commissioner may prescribe.

It is hereby declared to be the intention of this Act to impose a tax on the proceeds of all leases and rentals of tangible personal property in this State where the lease or rental is a part of a regularly established business, or the same is incidental or germane thereto.

(c) If the amount of tax due by the dealer is not paid on or before the date prescribed for its payment, there shall be collected, with said tax, interest upon said unpaid amount, at the rate of one percent (1%) per month, or fractional part thereof, from the date prescribed for its payment until it is paid, and, in addition to the interest that may be so due there shall also be collected a penalty equivalent to 10% of the tax due, when such tax is not paid within thirty (30) days from the final date prescribed for its payment.

No person, board or official of the State of Georgia shall have the power or right to in anywise set aside, suspend, or alter the tax levied by this Act and the penalties provided herein for failure to pay said tax. Nothing herein contained shall interfere with the right of the Commissioner to adjust and settle claims of taxpayers that are in dispute as now provided by law.

The Commissioner, for good cause, may extend for not to exceed fifteen days the time for making any returns required under the provisions of this Act.

(d) In the event any dealer fails to make a report and pay the tax as provided by this Act, or in case the dealer makes an incorrect report, or a report that is false or fraudulent, it shall be the duty of the Commissioner to make an estimate for the taxable period of the retail sales of such dealer, or of the proceeds from rentals or leases of tangible personal property by the dealer, and an estimate of the selling price of all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in this State, and assess and collect the tax and interest, plus penalty, if such have accrued; the Commissioner shall issue an execution in the same manner in which executions are issued by him for the failure to pay taxes levied under the General Tax Act, which execution shall be considered prima facie correct, and the burden to show the contrary shall rest on the dealer.

(e) It shall be the duty of every dealer required to make a report and pay any tax under this Act, to keep and preserve suitable records of the sales or purchases, as the case may be, taxable under this Act, and such other books of account as may be necessary to determine the amount of tax due hereunder, and other information as may be required by the Commissioner; and it shall be the

duty of every such dealer, moreover, to keep and preserve for a period of two years, all invoices and other records of goods, wares and merchandise or other subjects of taxation under this Act; and all such books, invoices and other records shall be open to examination, at all reasonable hours, by the Commissioner or any of his duly authorized agents.

In the event the dealer has imported the tangible personal property and he fails to produce an invoice showing the selling price of the articles as defined in this Act, which are subject to tax, or the invoice does not reflect the true or actual selling price, as defined herein, then the Commissioner shall ascertain, in any manner feasible, the true selling price and assess and collect the tax with interest, plus penalties, if such have accrued, on the selling price as determined by him.

In the case of the lease or rental of tangible personal property, if the consideration given or reported by the dealer does not, in the judgment of the Commissioner, represent the true or actual consideration, then the Commissioner is authorized to fix the same and collect the tax thereon in the same manner as above provided, with interest plus penalties, if such have accrued.

(f) For the purpose of collecting and remitting to the State the tax imposed by this Act, the dealer is hereby declared to be the agent of the State.

(g) In order to aid in the administration and enforcement of the provisions of this Act, and to collect all of the tax imposed by this Act, all wholesale dealers and jobbers in this State are hereby required to keep a record of all sales of tangible personal property made in this State, whether such sales be for cash or on terms of credit. The record required to be kept by all wholesale dealers and jobbers shall contain and include the name and address of the purchaser, the date of the purchase, the article purchased and the price at which the article is sold to the purchaser. These records shall be kept for a period of two years and shall be open to the inspection of the Commissioner or his duly authorized agent at all reasonable hours. The failure of any wholesale dealer or jobber in this State to keep such records, or the failure of any wholesale dealer or jobber in this State to permit an inspection of such records by the Commissioner or his duly authorized agents as aforesaid, shall be deemed a misdemeanor and upon conviction thereof punished as provided in Section 27-2506 of the Georgia Code of 1933, and the Commissioner shall have the right to petition the Judge of the Superior Court for an order requiring said wholesaler or jobber to produce his books and records for the inspection by the Commissioner or his duly authorized agents.

The following amendments to Section 9, were read and adopted:

Messrs. Lovett of Laurens and Gross of Stephens move to amend Committee Substitute to House Bill No. 435, by striking from paragraph "B" of Section 9, the following: "In accordance with such rules and regulations as the Commissioner may prescribe."

Messrs. Evans of McDuffie and Forrester of Crisp move to amend Section 9, Paragraph B, of Substitute for House Bill No. 435, by adding at the end thereof the following:

"It is further the intention of this Section to include sale of automobiles, bought from or financed by finance companies, whether designated as a lease or sale and shall also include salaries bought by salary buyers."

Section 9, as amended, was adopted.

Section 10. COMMISSIONER TO DETERMINE METHOD OF COLLECTION OF TAX. Be it further enacted by the authority aforesaid:

(a) That the Commissioner of Revenue shall administer and enforce the provisions of this Act and the collection of the tax imposed by said Act. He shall make such rules and regulations as he deems necessary for the administration of this Act, said rules and regulations not to be inconsistent with this Act or the Constitution of this State or of the United States.

(b) The Commissioner is directed to purchase tokens in an amount and denominations sufficient for the proper administration of this Act.

The following amendment to Section 10, was read and adopted:

Mr. Aiken of Bulloch moves to amend sub-section B of Section 10 of Substitute for House Bill No. 435 by changing the period at the end of said section to a comma, and by adding the following:

"and said tokens shall be purchased through the State Purchasing Agent after competitive bids have been duly called for and the lowest bidder has been ascertained."

Section 10, as amended, was adopted.

Section 11. COMMISSIONER AUTHORIZED TO EXAMINE BOOKS AND RECORDS OF ALL TRANSPORTATION COMPANIES OPERATING IN STATE. Be it further enacted by the authority aforesaid:

(a) For the purpose of enforcing the collection of the tax levied by this Act, the Commissioner is hereby specifically authorized and empowered to examine, at all reasonable hours, the books, records and other documents of all persons, transportation companies, agencies, or firms operating in this State, whether said companies, agencies or firms conduct their business by truck, rail, water, airplane, or otherwise, in order to determine what dealers, as provided in this Act, are importing or are otherwise shipping articles of tangible personal property which are liable for said tax. In the event said person, transportation company, agency or firm shall refuse to permit such examination of its books, records and other documents by the Commissioner as aforesaid, such shall be deemed a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933, and the Commissioner shall have the right to petition the Judge of the Superior Court for an order requiring said person, transportation company, agency or firm to produce their books and records for inspection by the Commissioner or his duly authorized agents.

(b) Each dealer, as defined in this Act, shall secure, maintain and keep for

a period of two (2) years, a complete record of tangible personal property received, used, sold at retail, distributed or stored, leased or rented, within this State by said dealer, together with invoices, bills of lading, and other pertinent records and papers as may be required by the Commissioner for the reasonable administration of this Act, and all such records shall be open for inspection by the Commissioner or his duly authorized agents at all reasonable hours. Any dealer subject to the provisions of this Act who shall violate this provision shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933, and the Commissioner shall have the right to petition the Judge of the Superior Court for an order requiring said dealer to produce his books and records for inspection by the Commissioner or his duly authorized agents.

Section 11, was adopted.

Section 12. PROCEDURE WHEN RETURNS NOT MADE BY DEALER BEFORE BECOMING DELINQUENT.

Be it further enacted by the authority aforesaid:

(a) If any dealer fails to make any such return, or refuses to permit an examination of his, the dealer's books, records, or papers, or to answer questions within the scope of an investigation of the Commissioner relating to the sale, use, consumption, distribution, storage, lease or rental of tangible personal property, the Commissioner may apply to the Superior Court of the County in which such dealer may reside or have his principal place of business, or to any judge thereof, for an order requiring such dealer to make such return, or requiring the dealer, his agents or employees, to answer any such questions or permit such examination; and the court, or any judge thereof, shall thereupon issue an order, upon such reasonable notice as shall be prescribed therein, to be served upon said dealer or the agents or employees of such dealer, directing him or them to testify and to produce such books, records and papers as may be required.

(b) At the time of transmitting the return required hereunder to the Commissioner, the dealer shall remit to him, therewith, the amount of the tax due under the applicable provisions of this Act, and failure to so remit such tax, shall cause said tax to become delinquent.

(c) All taxes, interest and penalties, imposed under this Act shall be paid to the Commissioner at the State Capitol at Atlanta, in the form of remittance required by him.

(d) Any dealer subject to the provisions of this Act, failing or refusing to furnish any return herein required to be made, or failing or refusing to furnish a supplemental return or other data required by the Commissioner, or who shall violate any other provision of this Act shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

(e) Any dealer required to make, render, sign or verify any return, as aforesaid, who makes a false or fraudulent return, with intent to evade the tax hereby

levied, shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

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(f) The venue of the prosecution arising under subsection (d) hereof, shall be in the County wherein the Act complained of was committed; and prosecutions arising under subsection (e) hereof, shall be instituted in the County where such return was verified.

(g) Any dealer who shall violate any other provision of this Act, punishment for which is not otherwise herein provided, shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

Section 12, was adopted.

Section 13. DELINQUENT TAX EXECUTIONS; LIEN OF TAX.

Be it further enacted by the authority aforesaid:

(a) If any tax or amount imposed by this Act, or any portion of such tax or amount is not paid within thirty days, after due, the same shall be considered delinquent, and the amount payable thereafter shall be the amount due with ten per centum (10%) for the first month and with interest of one per centum (1%) per month until paid or collected and the Commissioner may, as soon as practicable thereafter, issue an execution under his official seal, directed to the sheriff of any county of the State, commanding him to levy upon and sell any real and personal property of the person owing the same, for the payment of the amount thereof, with the added penalties, interest, and the court cost which may accrue in the collection of the execution. Upon receipt of said execution by the sheriff he shall file the execution in the office of the Clerk of the Superior Court of the County of the defendant's residence, provided, however, that in cases where the execution is issued against a nonresident, the execution may be filed with the Clerk of the Superior Court in any county where the nonresident has an agent or a place of business, and thereupon the Superior Court Clerk shall enter the execution upon the General Execution Docket, and upon entering the said execution upon the Docket, it shall become a lien upon all property of the defendant as other tax liens. Upon the levying of such execution by the sheriff or other levying officer of this State, the taxpayer shall have a right to file an affidavit of illegality to the execution so issued, which shall be tried in the same manner as affidavits of illegality to executions issued by the Superior Courts of this State are now tried.

(b) For the purpose of the enforcement of this Act and the collection of the tax levied hereunder, it is presumed that all tangible personal property subject to the provisions of this Act imported into this State or held in this State, by any dealer, is to be sold at retail, used or consumed, or stored for use or consumption in this State, or leased or rented within this State, and is subject to the tax herein levied.

Section 13, was adopted.

Section 14. COMMISSIONER AUTHORIZED TO ESTABLISH SYSTEM OF PERMITS. Be it further enacted by the authority aforesaid:

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(a) That in order to prevent the illegal importation of tangible personal property which is subject to tax, into this State, and to strengthen and make more effective the manner and method of enforcing payment of the tax imposed by this Act, the Commissioner is hereby authorized and empowered to put into operation a system of permits whereby any person or dealer, as defined by this Act, may import tangible personal property.

(b) The importation into this State of tangible personal property which is subject to the tax imposed by this Act for the purpose of avoiding the payment of the taxes provided in this Act, by truck, automobile, or other means of transportation other than a common carrier, shall be construed as an attempt to evade the payment of said tax and the same is hereby prohibited and said truck, automobile, or other means of transportation other than a common carrier shall be seized by the Commissioner or his agents and shall be subject to confiscation in the manner provided for in this Act.

(c) The Commissioner is hereby authorized in a summary proceeding, or by an action against the owner or operator of any truck, automobile or means of transportation other than a common carrier, used in the illegal importation and transportation of any article or articles of tangible personal property on which a tax is levied by this Act, and on which said tax has not been paid, to demand the forfeiture and sale of the said truck, automobile or other means of transportation, together with the said taxable property, used in said illegal importation and transportation and in violation of this Act; said vehicle and goods being so transported shall be condemned in the same manner as goods and vehicles are now condemned under the provisions of the Cigar and Cigarette Tax Act of this State.

Section 14, was adopted.

Section 15. RIGHT OF REFUND OR REIMBURSEMENT ON RETURNED PURCHASES. Be it further enacted by the authority aforesaid; that in the event purchases are returned to the dealer by the purchaser or consumer after the tax imposed by this Act has been collected or charged to the account of the consumer or user, the dealer shall be entitled to reimbursement of the amount of tax so collected or charged by him, in the manner prescribed by the Commissioner and in case the tax has not been remitted by the dealer to the Commissioner, the dealer may deduct the same in submitting his return. Upon receipt of a sworn statement of the dealer as to the amount of such refunds during the period covered by such sworn statement, which period shall not be longer than ninety (90) days, the Commissioner shall issue to the dealer an official credit memorandum equal to the net amount remitted by the dealer for such tax collected. Such memorandum may be accepted by the Commissioner at full face value from the dealer to whom it is issued, in the remittance for subsequent taxes accrued under the provisions of this Act; provided, however, that in no case shall the Commissioner make a credit memorandum for taxes paid on goods returned unless the Commissioner is satisfied that the amount of refund so claimed is true and correct.

The Commissioner shall design, prepare, print and furnish to all dealers, or make available to said dealers, all necessary forms for filing returns, and instructions to insure a full collection from dealers and an accounting for the taxes due, but failure of any dealer to secure such forms shall not relieve such dealer from the payment of said tax at the time and in the manner herein provided.

Section 15, was adopted.

Section 16. SETTLEMENTS TO BE MADE BY COMMISSIONER WITH STATE TREASURER. Be it further enacted by the authority aforesaid that all taxes collected under the provisions of this Act shall be paid to the Commissioner of Revenue. All monies collected under the provisions of this Act, less cost of administration, deductions and discounts which may be allowed, as authorized herein, shall be paid to the State Treasurer, said payments to the State Treasurer not to be made until all costs of administration, deductions and discounts allowed have been deducted by the Commissioner of Revenue.

The following amendment to Section 16, was read and adopted:

Mr. Hatchett of Meriwether moves to amend Section 16 of Committee Substitute for House Bill No. 435 by striking the section in its entirety and substituting in lieu thereof the following:

Section 16. Settlements to be made by Commissioner with State Treasurer. Be it further enacted by the authority aforesaid that all taxes collected under the provisions of this Act shall be paid to the Commissioner of Revenue. All monies collected under the provisions of this Act, less deductions and discounts which may be allowed, as authorized herein, shall be paid to the State Treasurer who shall distribute the funds in accordance with the provisions of this Act.

Section 16, as amended, was adopted.

Section 17. EFFECTIVE DATE. Be it further enacted by the authority aforesaid that this Act shall become effective July 1, 1939.

Section 17, was adopted.

Section 18. Be it further enacted by the authority aforesaid that the taxes imposed under the provisions of this Act shall not apply to the sales of gasoline, cigars and cigarettes, malt beverages, alcoholic liquors and wines.

Section 18, was adopted.

Section 19. SECRECY AND PRIVACY OF RECORDS. Be it further enacted by the authority aforesaid that the same provisions relating to secrecy and privacy provided by the income and intangible tax laws of the State of Georgia shall be applicable to the returns made, information furnished and taxes paid under this Act.

Section 19, was adopted.

Section 20. PENALTY FOR VIOLATION. Be it further enacted by the

authority aforesaid that the violation of any provision of this Act shall be a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

Section 20, was adopted.

Section 21. TO PROVIDE AN APPROPRIATION FOR THE ADMINISTRATION OF THIS ACT Be it further enacted by the authority aforesaid that five per cent (5%) of the total revenue collected under the provisions of this Act be and the same is hereby allocated or appropriated to the Department of Revenue for the expenses in the collection and the enforcement of the terms and provisions of this Act and the administration thereof. The Commissioner of Revenue is hereby authorized to employ agents and enforcement officers, including auditors and such clerical assistance as may be necessary in his opinion to collect the taxes imposed under this Act and carry out the provisions thereof.

The following amendment to Section 21, was read and adopted:

Mr. Lewis of Burke moves to amend the Committee Substitute for House Bill No. 435, Section 21, as follows:

By striking from the title of said Section 21, the words "An appropriation" and by striking from the body of said Section 21 the words "or appropriated"

The following Committee amendment to Section 21, was read and adopted:

The Committee moves to amend Committee Substitute to House Bill No. 435 by striking the figure 5% in Section 21, and inserting in lieu thereof the figure 3%, and by adding at the end of said section the following:

The dealer named in this Act as an agent of the State shall be allowed 2% of the total revenue collected by said dealer for collecting same, and shall be retained by said dealer; provided further that after the first years' operation of this Act, the Revenue Commissioner shall receive only 2% and the dealer aforesaid shall receive 3%,

and to amend the caption thereof accordingly.

Section 21, as amended, was adopted.

Section 22. USE OF NET PROCEEDS FROM THE COLLECTION OF TAXES UNDER THIS ACT. Be it further enacted by the authority aforesaid, that the net proceeds of the revenue derived from the taxes herein levied be and the same are hereby allocated as follows:

One-third of the net proceeds of this tax is hereby allocated to the State Board of Education to be used by said Board for the sole purpose of paying the salaries of teachers employed by the State in the public school system;

One-third of the net proceeds of this tax is hereby allocated to the Department of Public Welfare to be used by them for the exclusive purpose of paying old age pensions, for the benefit of Dependent Children, Patients at the State Hospital at

Milledgeville and the School for Mental Defectives at Gracewood, for the Patients at Alto Sanitarium, and to aid the Blind;

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One-third of the net proceeds of this tax is hereby allocated to each of the several Counties of the State to be distributed to said Counties in the same manner as the present gasoline tax is now distributed, except that the amount allocated to each of the several Counties shall be based upon the public road mileage in each County as determined by the State Highway Department of the State of Georgia, and said sum allocated to the several Counties of this State shall be used for the purpose of constructing and maintaining the public roads in the Counties.

Mr. Wohlwender of Muscogee moved that the House do now recess for one hour, and the motion prevailed.

The following communication was submitted and read:

State of Georgia  
Executive Department  
E. D. Rivers, Governor  
Atlanta

March 6, 1939.

Honorable Roy V Harris, Speaker,  
and  
Members of the House of Representatives

Gentlemen:

I have today vetoed House Bill No. 497, at the request of the entire delegation from Fulton County and Senator from the 52nd District, as evidenced by the attached communication.

Respectfully submitted,

E. D. Rivers, Governor.

R—rbl  
encl.

(Seal)

G. Everett Millican, 52nd District, Atlanta, Georgia.  
Chm., County and County Matters; Vice-Chm., Municipal Government;  
Secretary, Finance

[www.libtool.com.cn](http://www.libtool.com.cn) State of Georgia  
The State Senate  
Senate Chamber  
Atlanta

Committees:

Amendments to the Constitution  
Aviation  
Banks and Banking  
Corporations  
Education  
Highways  
Industrial Relations  
Insurance  
Manufactures  
Motor Vehicles  
Rules  
State of the Republic  
Temperance  
University System of Georgia  
Western & Atlantic Railroad

March 3, 1939.

Hon. E. D. Rivers,  
State Capitol,  
Atlanta, Ga.

Dear Governor Rivers:

We the members of the Fulton Delegation in the House and Senate respectfully request that you veto House Bill No. 497 which is a local bill pertaining to Fulton County.

Yours very truly,

G. E. Millican,  
W. C. Kendrick,  
Helen Douglas Mankin,  
Paul S. Etheridge, Jr.

The Speaker announced the House recessed until 2:00 o'clock today.

2:00 o'clock, P. M.

The Speaker called the House to order.

The following Communication was submitted and ordered filed:

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March 7, 1939.

Hon. Roy Harris,  
House of Representatives,  
Atlanta, Ga.

Mr. Speaker:

RE: Economy-Efficiency, House Resolution No. 9.

Your Committee met and organized on January 24, 1939, and immediately started its investigation of various State departments. To date we have recommended the savings hereinafter set out. You will note that we have divided our recommendations into three classifications:

1. Savings Effected.
2. Potential Savings, if recommendations are adopted.
3. Potential Increase in Revenue, if recommendations are adopted.

You will further note from figures immediately below that we have noted opposite each recommendation whether it be from allocated funds or from the general fund.

Following the recapitulation set out immediately hereafter, there is a synopsis of each of our recommendations to date.

#### SAVINGS EFFECTED

Motor Vehicle (tag inspectors).....	\$ 88,477.69	allocated fund.
Capitol Building and Grounds (Maintenance) .....	6,219.20	general fund.
Department of Education (Administrative and suspension of certain services).....	288,971.35	general and allocated funds.
	<hr/>	
	\$383,668.24	

These savings have been put into effect by departmental action or Executive order.

#### POTENTIAL SAVINGS

(If recommendations are adopted)

Insurance Commissioner.....	\$ 10,260.00	general fund.
Motor Vehicle (One tag and postage).....	30,000.00	allocated fund.
Rural Post Roads (Administrative) .....	160,122.00	allocated fund.

Revenue Department (General inspectors).....	14,945.00 general fund.
Department of Education (Teachers' survey to dispense with useless teachers, etc.).....	200,000.00 general fund.
Motor Fuel Tax Law (Reduction of collection allow- ance) .....	171,000.00 allocated fund.
Department of Public Welfare.....	170,150.00 general fund.
Motor Vehicle (Limiting number of employees in tag department).....	15,000.00 general fund.
Purchasing Department (Administrative) .....	30,000.00 general fund.
(Savings in purchases).....	500,000.00 general and allocated funds.
	\$1,301,477.00
Total Potential Savings.....	

POTENTIAL INCREASE IN REVENUE

(If recommendations are adopted)

Tag Department Reclassifying passenger and other motor vehicles).....	\$500,000.00 allocated fund.
Department of Revenue (Auditing tax collectors for State taxes) .....	200,000.00 general fund.
	\$700,000.00
Total Potential Increase in Revenue.....	

Total savings effected, potential savings, and potential increase  
in revenue.....\$2,385,145.24

We wish to call the attention of the House to the fact that your Committee has not yet had an opportunity to investigate and study the departments hereinafter listed. We are of the firm conviction, however, that should we have the opportunity to study and investigate these other departments that we will be able to recommend still further large savings which can be effected annually. The fact that we have not yet investigated and studied these departments is due solely to the fact that time has not permitted us to do so.

The departments which have not yet been studied are as follows:

1. Department of Agriculture, including Regular Salaries, Veterinary Division, Farmers Market, Egg Division
2. Athletic Commission
3. Department of Audits.
4. Department of Banking

5. Comptroller-General
6. Department of Entomology.
7. Governor's Office, Governor's Mansion, and other special functions of the Executive Department
8. Highway Department, including the
  - a. General Office
  - b. Laboratory
  - c. Quarry
  - d. Collection of revenue
  - e. Shop
  - f. Warehouse
  - g. Douglas Shop
  - h. Professional Fees
  - i. Highway Planning Survey
  - j. Asphalt and Convict
  - k. First Division—Rome
  - l. Second Division—Gainesville
  - m. Third Division—Augusta
  - n. Fourth Division—Macon
  - o. Fifth Division—Columbus
  - p. Sixth Division—Savannah
  - q. Seventh Division—Fitzgerald
9. Department of Labor
  - A. Administrative Office
  - B. Industrial Board
  - C. State Employment Service
  - D. Bureau of Unemployment Compensation
10. Department of Law
11. State Library
12. Library Commission
13. Military Department
  - a. Regular Maintenance
  - b. Guard duty Warm Springs
  - c. Inauguration of Governor
  - d. Rifle range
  - e. Rifle team
  - f. Riot duty

14. Milk Control Board
15. ~~Department of Natural Resources~~
  - a. Commissioner's Office
  - b. Mines and geology division
  - c. Parks division
  - d. Forestry division
  - e. Forestry division—Herty Foundation
  - f. Wild Life division
  - g. Wild Life division—coastal fisheries
16. Supervising Inspector of Naval Stores
17. Board of Penal Administration
18. Prison and Parole Commission
19. Department of Public Health
20. Department of Public Health—Tuberculosis Sanitorium
21. Department of Public Safety
22. Public Service Commission
23. Secretary of State
  - a. Constitutional Office
  - b. Archives and history division
  - c. Securities division
  - d. Building & Loan Association division
  - e. Examining Board's division
24. State Treasury
  - a. State Treasurer's Office
  - b. Supreme Court
  - c. Court of Appeals
  - d. Superior Courts
  - e. General Assembly
25. Veterans' Service Office
26. University System of Georgia
  - a. Regents office
  - b. Georgia Normal & Agricultural College—Albany
  - c. Georgia Southwestern College—Americus
  - d. University of Georgia—Athens
  - e. University of Georgia Athletic Association

- f. Division of Agricultural Extension—Athens
- g. Evening School and Junior College—Atlanta
- h. General extension—Atlanta
- i. School of Technology—Atlanta
- j. Tech Athletic Association—Atlanta
- k. University School of Medicine—Augusta
- l. West Georgia College—Carrollton
- m. Middle Georgia College—Cochran
- n. North Georgia College—Dahlonega
- o. South Georgia College—Douglas
- p. Georgia Experiment Station—Experiment
- q. State Teachers and Agricultural College—Forsyth
- r. Georgia State College for Women—Milledgeville
- s. Georgia State College—Savannah
- t. South Georgia Teachers College—Statesboro
- u. Abraham-Baldwin Agricultural College—Tifton
- v. Coastal Plain Experiment Station—Tifton
- w. Georgia State Woman's College—Valdosta

We reiterate that we are of the opinion that a study of the departments above listed will result in great annual savings to the State if the results of the study are placed into law. It is the intention of your Committee to continue its study so long as the House permits it to continue.

#### SYNOPSIS OF RECOMMENDATIONS TO DATE:

1. Occupational tax on insurance agents transferred to insurance companies and a reduction of the number of insurance investigations, a savings of \$10,260.00. See House Bills 387 and 388.
2. Abolition of tag inspectors and transfer of their duties to the Highway Patrol; and one license tag instead of two; and the transfer of the duties of weight inspectors. Savings as to tags, \$30,000.00, and as to inspectors, \$88,477.69; total savings of \$118,477.69. No bill, as far as we can ascertain, has been introduced to carry out this tag recommendation; as to tag inspectors' dismissal, see letter of W. L. Miller, attached as Exhibit 1.
3. Merger of Rural Post Roads Division as to administration, with the administration of the State Highway Department. Savings, \$160,122.00 per year. See House Bill 690, which has had its second reading.
4. That legislation be immediately passed limiting the number of full time employees in the tag division of the Revenue Department, and limiting the number of "rush season" employees. Modest estimate of saving, \$15,000.00 per year. See House Bill 283, which has had its second reading.

5. That legislation be adopted limiting the number of general inspectors in the Revenue Department to thirty-two, whose duties would be to inspect and enforce the cigar, cigarette, beer, wine, and regulatory features of the gasoline law. Annual savings, \$14,945.00. See House Bill 292.

6. That the classification for passengers cars be limited to two classifications, which would materially increase the revenue from the sale of tags and reduce the expense to the tag department in having to handle only two classifications whereas it now handles ninety-six classifications; and that also that other vehicles other than passenger motor vehicles and trailers be licensed according to actual weight when equipped for service and not on the basis of what is known as "factory weight." Estimated increase in revenue, by Revenue Commissioner Head, \$500,000.00 annually. No bill, as far as we know, has been introduced carrying out this recommendation.

7. That regulation be passed requiring each department head to designate one day out of each month for the purpose of giving attention to written applications for jobs and interviewing applicants. No bill has been introduced as to this recommendation.

8. Maintenance of the Capitol Building and grounds, abolition of certain jobs and combining others. Annual saving estimated at \$7,460.00 per year, and hereto attached and marked Exhibit A is a letter from Charles N. Elliott, Director of the Division of State Parks, dated March 3, 1939, setting out what part of the recommendation has been put into effect, showing an annual saving to the State of \$6,219.20. Attention is called to the letter as to the reasons why the savings is \$6,219.20 rather than \$7,460.00. By Executive order the transfer of supervision of the Capitol Building and grounds has been made to the Division of State Parks. In this connection we wish to observe:

(a) That the position of Custodian of the Capitol is created by Legislative Act and is now a statutory position at \$2,500.00 a year. No bill has been introduced abolishing this position.

9. State Department of Education. Communications Nos. 10 and 16 dealt with the abolition of certain divisions, consolidation of work, temporary discontinuance of the library book matching fund until all teachers are paid in full, discontinuance of audio-visual education, discontinuance of further financing adult education from common school funds, and discontinuance of the five-year census. These recommendations effected annual savings of \$288,971.35. We call attention to the fact that these recommendations have been put into effect by unanimous action of the State Board of Education.

We made further recommendation as to the making of a survey of teachers in the State with a view to ascertaining how many useless teachers, teachers teaching subjects not in the curriculum, and unnecessary teachers, and persons drawing pay as teachers who are not teachers, who are on the payroll of the Department of Education. This survey has been in progress and is partially complete. Since our last report we have made still further studies of this subject matter and from the

evidence before us, we believe that a conservative estimate of the amount that can be saved as a result of this survey is \$200,000.00 per year. This figure was arrived at in conference with Dr. Collins, Mr. Thompson and Mr. Altman of the Department of Education. The survey from which the above estimated figure is based, was made by a card to each teacher in Georgia, now in the possession of the Education Department of this State. See House Bill 568, which, if enacted, will possibly result in further savings, but which will not be reflected in reduced appropriations, as the savings would be effected by each county school system and would leave to the county money to apply in support of its system but not necessarily paying teachers.

The Education Department has further called to this Committee's attention House Bill 269, relevant to all schools in Georgia being supported from the State funds on a teacher allotment basis based on population groups. Officials of the Department of Education state that should this bill be adopted, it will save the sum of \$250,000.00 each year.

10. That the Motor Fuel Law be amended to allow oil distributors one tenth of one per cent instead of one per cent as cost of collection and that there be separated from this item that all losses be proven. This would save \$171,000.00 per year according to the estimate of Commissioner of Revenue Head. No bill has been introduced, as we understand it, carrying out this recommendation.

11. That the Department of Revenue Act, passed in 1937, be amended to give the Commissioner of Revenue the authority to audit the books of the collectors of any taxes for the State, so as to require a remittance of all monies collected that belong to the State. It is estimated by the Commissioner of Revenue that this will increase the monies collected by at least \$200,000.00 per year. We further recommended an amendment to the Revenue Act allowing the Department of Revenue for administrative purposes 10% of any delinquent remittances that it catches and gets remitted into the State Treasury. We are advised that House Bill 450 deals with the subject matter of this recommendation but to what extent the bill carries out the recommendation, we are not advised.

12. As to the State Department of Public Welfare; that the economies adopted by the State Board of Public Welfare and transmitted to the House in communication No. 17 on February 21, 1939, be put into effect as of April 1, 1939. In addition to the economies effected by the action of the Board of Public Welfare, your Committee recommended that the four statistical consultants be discontinued, and that one assistant to the Director of the Division of Research and Statistics be added to handle the work of these four men, and would result in a saving of \$11,000.00 annually. That the salary reductions included in the action of the Board, if possible, be put into effect March 1 instead of April 1. The action of the Board produces a saving in salaries of \$96,900.00 and an estimated \$15,000.00 in traveling expenses and per diem, and discontinuing the statistical consultants produces a savings of \$11,000.00, making a total of \$122,900.00. By reason of the transfer of funds for the construction of the new State Office Building, which amounted to \$47,250.00 per year, your Committee recommends a total reduction in the appropriation for administrative cost in the Public Welfare Department of \$170,150.00. However, we have

MONDAY, MARCH 6, 1939

1051

from Honorable Braswell Deen, Director of the State Department of Public Welfare, the following communication:

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State Department of Public Welfare

Hurt Building

Atlanta

March 1, 1939.

Hon. Wilmer D. Lanier, Chairman,  
Committee on Economy and Efficiency,  
House Resolution No. 9,  
State Capitol,  
Atlanta, Ga.

Dear Mr. Lanier:

The Committee's report on the State Department of Public Welfare, dated February 23, 1939, communication No. 20, recommends a total reduction in the appropriation for administrative cost in the Public Welfare Department of \$170,150.00 below the appropriation made for this purpose for the years 1937-1938. This recommended savings of \$170,150.00 includes certain Federal funds and, therefore, cannot be construed as a total savings of State funds, in accordance with the attached statement reflecting Estimated Savings of Administrative State Funds, Action of State Welfare Board, and Recommendations of Economy Committee. The total recommended savings in State funds, as reflected in this statement, is \$121,824.50.

It is our understanding the House of Representatives is using the amount of \$170,150.00 as a reduction in arriving at the appropriation for the years ending June 30, 1940 and 1941, and we, therefore, request that you transmit a message to the House setting forth the corrected recommended savings from State funds of \$121,824.50. Even this savings is, of course, contingent upon approval of the reductions by the Social Security Board and modifications will probably be necessary.

Your attention to this matter will be greatly appreciated by the writer.

With best regards, I am

Sincerely yours,

Braswell Deen, Director.

## STATE DEPARTMENT OF PUBLIC WELFARE

## www.libtool.com.cn Estimated Savings of Administrative State Funds

## Action of State Welfare Board

## Recommendations of Economy Committee

*Action of State Board*

Savings in salaries, action of State Board (Re-computed).....		\$ 86,780.00
Less: Federal participation in salaries:		
Child Welfare salaries.....	\$ 17,715.00	
Crippled Children salaries.....	3,080.00	20,795.00
		<hr/>
Net savings of State funds in salaries.....		\$ 65,985.00
Less: Estimated loss of Federal Dependent Children administrative funds. Caused by reduction in costs.....		6,598.50
		<hr/>
Net savings to State, action of State Board.....		\$ 59,386.50

*Recommendations of Economy Committee*

Additional savings, recommendations of Committee:		
Travel expense and per diem.....	\$ 15,000.00	
Statistical Division .....	11,000.00	\$ 26,000.00
		<hr/>
Less: Federal participation:		
Child Welfare Division Travel Exp.....	9,125.00	
Estimated loss of Federal Dependent Children administrative funds. Caused by reduction in costs.....	1,687.50	10,812.50
		<hr/>
Net savings to State.....		\$ 15,187.50
Funds placed in State Building, Based on ½ total amount paid over two years period....		47,250.00
		<hr/>
Net savings to State:		
Recommendations of Committee.....		62,437.50
		<hr/>
Total Recommended Savings to State.....		\$121,824.50

The annual savings effected in the Department of Public Welfare, if the recommendation is followed amounts to \$121,824.50, according to Honorable Braswell Deen's letter of March 1, 1939, which is the letter above quoted.

13. That as to the \$11,000 now on deposit in a bank in Milledgeville, and approximately 186 bales of cotton which the State Board of Public Welfare now has in its possession, which was produced on the Colony Farm of the Milledgeville State Hospital, your Committee recommended that legislation be immediately passed enabling the Department of Public Welfare to use the \$11,000 now on hand, which it received from pay patients, and the proceeds from the sale of the cotton and the

proceeds of all pay patients for the next two years, to assist in liquidating the past-due indebtedness of the Milledgeville State Hospital. No bill has been introduced regarding this, as we understand it.

14. Your Committee further recommended that a comprehensive survey of the county welfare departments be made with a view to reducing administrative expenses and more efficiently administering the benefits of the Social Security Program to the recipients, but we have no advice as to whether or not the recommendation as to the county welfare departments is being followed. We are advised that the State Board of Public Welfare and the Director of the Department of Public Welfare are now negotiating with representatives of the Social Security Board from Washington to secure their approval of the plan of operation adopted by the Board of Public Welfare and recommended by this Committee, with a view of effecting these economies not later than April 1, 1939.

15. That an independent Purchasing Department be set up to be divorced from the Executive Department, and that the expenses of the Purchasing Department be prorated to the departments of the State for which it made purchases in the ratio of the expenses to the amount of purchases. We submitted a bill to carry out these recommendations, which is House Bill No. 621. Savings, \$30,000.00 administrative cost per year, \$500,000.00 on purchases, according to Honorable Zach Arnold, State Auditor, and Honorable John Lewis, State Purchasing Agents.

16. That as to all proposals for bids for material or equipment, they be accompanied by a letter and a form of proposal and an affidavit, all of which should be by amendment to House Bill No. 621; the affidavit requiring each bidder to set forth that the bidder has no interest in any other bid or proposal and that the bidder will not receive any commission or other emolument whatsoever either directly or indirectly from the sale of such material or equipment in the event some other person, firm, corporation or association be declared the low bidder or awarded the contract. This recommendation was made to prevent monopolistic, collusive or cooperative bidding, such as evidence before this Committee has disclosed existed in the past with reference to the purchase of certain material. The Committee is unable to give any accurate estimate as to the saving, but believes that it will run into several hundred thousand dollars by reason of creating the Purchasing Department.

Your Committee has not been able to function since last Thursday morning by reason of the fact that the appropriation bill and the major revenue-raising bills reached the floor of the House and through necessity, the members of this Committee have been forced to be on the floor of the House to represent their respective constituents, and it now appears that the Committee will not be able to resume its activities until about Wednesday of this week, as it appears that these major revenue measures will likely be off the floor of the House by that time.

The above synopsis discloses the departments that we have made a study of and those we have not made a study of. It is our intention as long as this Committee is in session and has power to do so, to continue the study, and we believe great

economies in departments not yet studied, and probably other economies in the departments already studied, can be made.

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Respectfully submitted,

Committee on Economy and Efficiency, House Resolution No. 9.

Wilmer D. Lanier, Chairman.

James V Carmichael, Vice-Chairman.

Attest:

J. H. Duggan, Jr., Secretary.

Exhibit 1.

State of Georgia

State Highway Board of Georgia

General Offices

Atlanta

Feb. 18, 1939

W L. Miller, Chairman  
Atlanta, Georgia

Jim L. Gillis, Member  
Soperton, Georgia

Herman H. Watson, Member  
Dallas, Georgia

F. P. Vanstory, Sec. and Treas.  
Atlanta, Georgia

E. A. Stanley,  
State Highway Engineer

W. R. Neel  
Director of Post Roads Division

O. T. Ray  
Director Highway Planning Survey

W Glenn Thomas,  
Chief Counsel

Dear Sir:

Because the information was given out from the Department that Tag Inspectors working with the Department through 1938 would be requested to return to work when the time limit for purchase of tags was out, I am writing you this letter as explanation of why you were not called back to work, as you have no doubt noted that the time limit was out on the 15th of February.

Through investigation by the Legislature it was developed that the law setting up the State Highway Patrol in 1937 provided that they have charge of all tag inspection and collection. I do not know how the misunderstanding came around, however, the Highway Department was instructed to employ the Tag Inspectors and pay the expense of same. Really there was no law authorizing same at the time it was done.

We do not know just at this time whether the Revenue Commissioner or the State Highway Patrol will handle the tag inspection work, however, would suggest that if you are interested in continuing in this work that you take the matter up with the State Revenue Department, and they will no doubt advise you of the set up.

MONDAY, MARCH 6, 1939

1055

I wish to take this opportunity as Chairman of the Highway Board to thank you for the service you have rendered for the past two years and with best wishes, I am

Sincerely yours,

W L. Miller, Chairman.

WLM/m

Exhibit "A"

Department of Natural Resources

Division of State Parks

Office of State Parks Director

State of Georgia

421 State Capitol

Atlanta, Georgia

March 3, 1939.

Hon. Wilmer Lanier,  
House Economy Committee,  
House of Representatives,  
Atlanta, Georgia.

Dear Sir:

IN RE: Economy—Efficiency—House Resolution No. 9.

In reply to your inquiry asking me to outline the extent to which your recommendations to decrease the expense of the maintenance and operation of the Capitol Building and Grounds have been carried out, this is to advise that the following steps have been taken to effect the economy suggested by your Committee:

(1) The jobs of Custodian at \$2500 per year and Superintendent of Building and Grounds at \$1800 per year have been combined into one job—that of Keeper of Building and Grounds at \$1800 per year.

(2) The position of Keeper of the Dome at \$1080 per year and Scrub Foreman at \$780 per year have both been abolished.

(3) One of the Nightwatchmen was discharged, and the day Policeman relieved.

(4) A new day Policeman was employed to act as day Policeman and also as Keeper of the Information Desk.

(5) Uniforms were ordered for all members of the Capitol personnel who were to come in contact with the public.

After the above steps had been taken to follow the recommendations of the Committee, certain complications arose.

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We found that we had only one responsible person on night duty. That person had either to be on the job from 4:00 o'clock in the afternoon, throughout the night and until 8:00 o'clock the next morning, or the building had to be unguarded and unprotected during at least eight hours of the night.

It was necessary, therefore, to shift the new day Policeman to night duty, and either hire a new day Policeman, who could act as policeman and as a disburser of information, or leave the information desk as it was.

In this connection, the Keeper of Grounds and Buildings was appointed as day Policeman, with police powers.

Further study showed that if the hostess was discharged, a matron would have to be employed as contact person for the women of the building and the visitors, and also to inspect the women's rest rooms for sanitation. Such a matron had been employed by the State in the past at \$21.00 per week. The employee at the information desk was given both the job as information clerk and as matron.

The information desk is essential to the successful operation of the Capitol, inasmuch as it relieves surrounding offices from the burden of large numbers of information seekers and the Executive Offices from an excess number of telephone callers who are seeking information.

The information desk also contacts large numbers of school children and conducts them on tours through the Capitol Building. I am informed that the phone at the information desk rings constantly, and a large stream of persons file by the desk each day seeking information.

The weekly payroll before the recommendations by the House Economy Committee were carried out was as follows:

Lon Burton, Custodian .....	\$ 48.00
S. A. Pierce, Superintendent of Building and Grounds.....	34.61
Mrs. Kathleen Hogan, Hostess .....	34.61
W. C. Grimes, Electrician.....	25.00
Josie Browning, Nightwatchman .....	25.00
J. F. Studstill, Nightwatchman .....	25.00
A. R. Cooper, Daywatchman .....	20.80
C. B. Knight, Elevator Operator .....	22.50
R. Q. Collins, Elevator Operator .....	22.50
Earl Barwick, Elevator Operator, extra .....	15.00
E. C. Smith, Sexton, Marietta .....	20.00
C. C. Misterfelt, Capitol Yard .....	20.00
R. A. Duke, Keeper of Dome .....	20.80
D. C. Atkinson, Scrub Foreman.....	15.00
J. J. Harden, Floor Sweeper .....	10.00
Four Floor Sweepers .....	40.00

Three Scrub Hands .....	30.00
Willie Johnson, Governor's Porter .....	15.00
Henderson Godwin, Mansion Yard .....	10.00
Ruth Martin, Maid .....	6.00
	<hr/>
	\$459.82

The payroll as recommended by the Economy Committee is as follows:

Superintendent of Building and Grounds .....	\$ 34.61
Day Policeman .....	25.00
Night Policeman .....	25.00
Electrician .....	25.00
Elevator Operator .....	22.50
Elevator Operator .....	22.50
Elevator Operator—Extra .....	15.00
Yardman for Capitol .....	20.00
Eight Scrub Hands and Floor Sweepers .....	80.00
Governor's Porter .....	15.00
Maid .....	6.00

This payroll did not include the Sexton at Marietta at \$20.00 per week and the Mansion Yardman at \$10.00 per week. Also, if the position of hostess is discontinued, it will be necessary to employ a matron at \$21.00 per week. This makes a total of \$51.00 per week which it is necessary to add to the above payroll .....

51.00

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\$341.61

The regular payroll for the week ending March 4 is as follows:

Lon Burton, Keeper of Building and Grounds .....	\$ 34.61
Mrs. Kathleen Hogan, Matron .....	34.61
S. A. Pierce, Nightwatchman .....	25.00
W. C. Grimes, Electrician .....	25.00
Clyde H. White, Nightwatchman .....	25.00
C. B. Knight, Elevator Operator .....	22.50
R. Q. Collins, Elevator Operator .....	22.50
C. C. Misterfelt, Capitol Yard .....	20.00
E. C. Smith, Sexton, Marietta .....	20.00
J. J. Harden, Floor Sweeper .....	10.00
Leonard Martin, Scrub Hand .....	10.00
Jim Garsite, Scrub Hand .....	10.00
Robert Benton, Scrub Hand .....	10.00
James Hawkins, Scrub Hand .....	10.00
Buster Forbes, Scrub Hand .....	10.00
Clarence Gamble, Scrub Hand .....	10.00
Frank Robinson, Scrub Hand .....	10.00

Willie Johnson, Governor's Porter .....	15.00
Henderson Godwin, Mansion Yard .....	10.00
Ruth Martin, Maid .....	6.00
	<hr/>
TOTAL .....	\$340.22

Extra help while the Legislature is in session, out of the \$200.00 allotment for extra help is this week as follows:

Earl Barwick, Elevator Operator .....	\$15.00
Robert Elmer, Electrical Helper .....	15.00

This shows that the regular weekly payroll before the recommendations of the Economy Committee were carried out was \$459.82; the payroll as recommended by the Economy Committee was \$341.61; and the payroll under the present set-up is \$340.22, thus effecting a saving to the State of Georgia of \$6,219.20 per year, and a saving of \$72.28 per year more than was recommended by your Committee.

Respectfully submitted,

CHARLES N. ELLIOTT, Director.

Further consideration of the Committee Substitute to House Bill No. 435, was resumed:

On the amendments to Section 22, the main question was ordered:

The following amendment to Section 22, was read and adopted:

Mr. Williams of Bacon moves to amend Section 22 of the Committee Substitute for House Bill No. 435 by striking the Section in its entirety, and substituting in lieu thereof the following:

**Section 22—USE OF NET PROCEEDS FROM THE COLLECTION OF TAXES UNDER THIS ACT**

Be it further enacted by the authority aforesaid, that the net proceeds of the revenue derived from the taxes herein levied be and the same are hereby allocated and appropriated as follows:

One-third ( $1/3$ ) of the net proceeds of this tax for each fiscal year is hereby set aside in a special fund in the State Treasury to the credit of the State Board of Education to be used by said Board for the sole purpose of paying any appropriation for the fiscal year made by the General Assembly of Georgia for salaries of teachers employed by the State in the Public School System where funds are not otherwise available to pay in full such appropriation, provided that no part of such fund shall be used except to pay in full the unpaid appropriation made by law for this purpose for each fiscal year.

One-third ( $1/3$ ) of the net proceeds of this tax for each fiscal year is hereby set aside in special funds in the State Treasury each in the same proportion as each of the fixed sum appropriations made for paying old age pensions, for aid to the

blind, for the benefit of dependent children, for the State institutions under control of the Public Welfare Department, and for the Tubercular Sanatorium at Alto bears to the total fixed sum appropriations each fiscal year for these purposes. The funds thus set aside in the State Treasury for these purposes shall be used for the sole purpose of paying any appropriation for the fiscal year made by the General Assembly of Georgia for these purposes where funds are not otherwise available to pay in full such appropriations, provided that no part of the funds shall be used except to pay the unpaid appropriations for these purposes made by law for each fiscal year.

One-third ( $1/3$ ) of the net proceeds of this tax is hereby allocated and appropriated to each of the several counties of the State to be distributed monthly to the fiscal authority of each county in the same manner as the present gasoline tax is now distributed, on the basis of the State aid road mileage as certified by the State Highway Department of Georgia, and from such sum allocated and appropriated to each county of the State the fiscal authority of each county shall retain two-thirds ( $2/3$ ) of the amount received to be used for the purpose of maintaining the State Superior Court in the county and the remaining one-third ( $1/3$ ) of the amount received shall be paid to the County Board of Education of the county to be used for school purposes.

Provided further, that should the amount of funds set up each fiscal year for the items of this Section be in excess of the amount needed to pay the appropriations for each fiscal year in full for the items named, the State Treasurer is hereby authorized and directed to pay into the State General Fund the amount of the funds that are in excess of the full appropriations made by law for each fiscal year.

Provided, however, the provisions for the distribution and use of the net proceeds of the tax derived under this Act, as set out in this Section, shall not become effective until after:

First, \$500,000.00 of the first net proceeds of this tax shall be set aside in a special fund in the State Treasury to the credit of the State Department of Public Welfare to be used for the sole purpose of paying any fixed sum appropriation for the fiscal year ending June 30, 1939 made by the General Assembly for the benefit of Milledgeville State Hospital where funds are not otherwise available to pay in full such appropriation, with the direction that the funds thus appropriated shall be used in liquidating the outstanding obligations of said institution.

Second, That from the first net proceeds of this tax there shall be set aside and appropriated in a special fund in the State Treasury to the credit of the State Board of Education an amount sufficient to pay in full the teachers' salaries for the year ending June 30, 1939, where funds are not otherwise available to pay in full such teachers' salaries as are now in force and effect. The funds thus provided shall be used solely for the purpose of paying teachers' salaries due for the year ending June 30, 1939, and immediately upon sufficient funds being set aside for this purpose the distribution of the net proceeds of this tax as provided in this Section shall be in force and effect.

Section 22, as amended, was adopted.

Mr. Atkinson of Chatham moved that the House recess until 7:00 o'clock, tonight.

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Mr. Evans of McDuffie moved that the House do now adjourn until 9:00 o'clock tomorrow morning.

On the motion to adjourn, Mr. Lovett of Laurens moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Davis of Coweta	Kaigler
Allen	DeFoor	Looper
Allison of Gwinnett	Drinkard	Lovett
Allison of White	Edwards of Lowndes	Maxwell
Almand	Edwards of Taylor	McBride
Ansley	English	McDaniel
Barlow	Etheridge of Baker	Middleton
Barrett	Evans of Laurens	Mills
Beck	Evans of McDuffie	Moss
Binion	Ferguson of Camden	Parham
Blackshear	Ferguson of Sumter	Parker
Blease	Ford	Pierce
Bush	Forrester of Crisp	Purdy
Bynum	Forrester of Dade	Ragan
Campbell	Franklin of Bulloch	Sabados
Candler	Franklin of Polk	Sams
Chappell	Gaines	Sanders
Clary	Gavin	Sapp
Clements of Calhoun	Grant	Smith of Schley
Clements of Wheeler	Guyton	Sumner
Cobb	Harden	Terrell
Conner	Herndon	Thigpen of Glascock
Cook	Hill	Thornton
Culpepper of Fayette	Hinson	Warren
Curry	Joel	
Davidson	Johnson	

Those voting in the negative were Messrs.:

Atkinson	Brooks of Jackson	Coogler
Bell	Brooks of Oglethorpe	Corbett
Bennett of Ware	Carmichael of Butts	Culpepper of Mitchell
Bloodworth	Carmichael of Cobb	Daughtry
Boyd of Cook	Carrington	Dean
Boyd of Greene	Cheney	Dockery
Branch	Clark	Drake
Bray	Claxton	Easley

Ennis, J. H.	Jones of Brantley	Reid
Ennis, Marion	Jones of Richmond	Roughton
Etheridge of Fulton	Kendrick	Sartain
Etheridge of Houston	Kennedy	Saunders
Foster	Key	Scott
Fowler of Treutlen	Kimbrough	Smith of Henry
Gill	Lanier	Stiles
Goddard	Lewis	Strickland of Haralson
Gowen	Mankin	Strickland of Pierce
Graham	Marshall	Swindle
Grayson	Mason	Thigpen of Evans
Greene	McCracken	Tipton
Grice	McGraw	Trippe
Griffin	McNall	Vickery
Gross of Washington	Merritt	Wells
Harrison of Crawford	Miller	Whipple
Harrison of Jenkins	Moore of Lumpkin	Whitaker
Harvey	Moore of Taliaferro	Wiggins
Hatchett	Pannell	Williams of Bacon
Hayes	Pharr	Wohlwender
Holtzendorff	Pilcher	Yawn
Jackson	Preston	

Those not voting were Messrs.:

Bennett of Clarke	Gross of Stephens	Rossee
Bruce	Hardman	Rountree
Carter	Henderson	Simmons
Clements of Marion	Howard	Smiley
Connell	Jones of Paulding	Summerour
Dallis	Kelley	Tate
Davis of Floyd	King	Tippins
Dickerson	Lanham	Tomlinson
Douglass	Morgan	Turner
Elliott	Mosely	Wages
Flanders	Rawlins	Williams of Ware
Fowler of Douglas	Rees	Wright
Goolsby	Rogers	Yeomans

By unanimous consent, verification of the roll call was dispensed with.

On the motion to adjourn until 9:00 o'clock tomorrow, the ayes were 76, the nays 89.

The motion to adjourn was lost.

On the motion to recess until 7:00 o'clock tonight, Mr. Forrester of Crisp moved the ayes and nays, and the motion was lost.

On the motion to recess until 7:00 o'clock tonight, the ayes were 75, the nays 61, and the motion prevailed.

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The Speaker announced the House recessed until 7:00 o'clock tonight.

7:00 o'clock, P. M.

The Speaker called the House to order.

Further consideration of the Committee Substitute to House Bill No. 435, was resumed:

Section 23. CONSTITUTIONALITY Be it further enacted by the authority aforesaid, that if any section, subsection, sentence, clause or phrase of this Act be held invalid, such decision shall not affect the validity of the remaining portions of said Act. The General Assembly hereby declares that it would have passed this Act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be so declared invalid.

The following amendment to Section 23, was read:

Messrs. Sams and Candler of DeKalb move to amend Committee Substitute to House Bill No. 435, as follows:

By adding immediately after Section 22 and to be known as Section 23 the following:

"Section 23. On and after the passage of this Act the levy of taxes on property for any one year by the State of Georgia or Governor and Comptroller-General, except to provide for repelling invasion, suppressing insurrection, or defending the State in time of War, shall not exceed one mill on each dollar of the value of the property taxable in this State."

And change the numbers of the succeeding sections accordingly.

On the adoption of the amendment, Mr. Corbett of Atkinson moved the previous question, the motion prevailed, and the main question ordered.

On the adoption of the amendment, the ayes were 21, the nays 81.

The amendment was lost.

Mrs. Mankin and Mr. Etheridge of Fulton requested that the Journal show that they voted aye on the adoption of the amendment.

Mr. DeFoor of McIntosh requested that the Journal show that he voted aye on the adoption of the amendment.

Section 23, was adopted.

The following amendment to the Committee Substitute to House Bill No. 435, was read:

Messrs. Evans of McDuffie, Rawlins of Telfair, Carmichael of Cobb, Drinkard of Lincoln and Parker of Colquitt move to amend Committee Substitute to House Bill No. 435, by adding therein, immediately before the repealing clause, to be appropriately numbered, a new section to read as follows:

Section —. Be it further enacted that none of the provisions of this Act shall take effect until the question of its adoption is submitted to a popular vote of the people of the State of Georgia, and a majority of those voting shall vote in favor of its adoption. Said election shall be held within 15 days after approval of said Act by the Governor, throughout the entire State, under the rules governing general elections. Those citizens shall be allowed to vote who are duly qualified voters on the registration list in the various counties, and the expenses of said election shall be paid by the State of Georgia. Within five days from the holding of said election, all returns shall be forwarded to the Secretary of State, and he shall certify to the Governor the result of said election, and the Governor shall thereupon within two days issue his proclamation. In the event that a majority of those who cast their ballots in said election shall vote against the adoption of this Act, it shall not become operative; and if a majority of those who vote in said election shall vote in favor of the adoption of said Act, it shall then become operative. The ballots shall have printed thereon the words FOR SALES TAX and the words AGAINST SALES TAX, and the voter shall leave on said ballot the words indicating the way in which he wishes to vote, and shall mark through or erase the other words.

It is the purpose and intent of this amendment not to inflict any sales tax on the people of Georgia without permitting them first to express their approval or disapproval of said Act, and then not to impose said sales tax if a majority of those voting disapprove said sales tax.

On the adoption of the amendment, Mr. Parker of Colquitt moved the previous question, the motion prevailed, and the main question ordered.

On the adoption of the amendment, Mr. Lovett of Laurens moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allison of Gwinnett	Boyd of Greene	Cobb
Allison of White	Brooks of Oglethorpe	Cook
Atkinson	Bruce	Culpepper of Fayette
Barlow	Bynum	Culpepper of Mitchell
Barrett	Campbell	Curry
Beck	Carmichael of Butts	Davis of Coweta
Bell	Carmichael of Cobb	DeFoor
Binion	Carrington	Drinkard
Blease	Carter	Easley
Bloodworth	Chappell	Edwards of Lowndes
Boyd of Cook	Cheney	Edwards of Taylor

Elliott	Hill	Mills
Etheridge of Fulton	Hinson	Mosely
Evans of Laurens	Holtzendorff	Parham
Evans of McDuffie	Joel	Parker
Ferguson of Sumter	Jones of Brantley	Pilcher
Ford	Jones of Paulding	Preston
Forrester of Crisp	Jones of Richmond	Reid
Forrester of Dade	Kendrick	Roughton
Franklin of Bullock	Kimbrough	Sartain
Franklin of Polk	Looper	Strickland of Haralson
Gavin	Lovett	Sumner
Gill	Marshall	Thigpen of Evans
Goddard	Mason	Tipton
Graham	Maxwell	Warren
Grant	McBride	Wells
Grayson	McNall	Williams of Bacon
Greene	Merritt	Wohlwender
Guyton	Middleton	

Those voting in the negative were Messrs.:

Aiken	Fowler of Treutlen	Moore of Taliaferro
Bennett of Ware	Grice	Pharr
Blackshear	Griffin	Rogers
Branch	Gross of Washington	Smith of Henry
Clark	Harvey	Stiles
Claxton	Hayes	Strickland of Pierce
Clements of Calhoun	Henderson	Swindle
Corbett	Herndon	Thigpen of Glascock
Daughtry	Jackson	Vickery
Davis of Floyd	Key	Whipple
Dockery	Lanham	Whitaker
Drake	Lanier	Wiggins
Ennis, Marion	Lewis	Yawn
Etheridge of Houston	Mankin	
Foster	McGraw	

Those not voting were Messrs.:

Allen	Connell	Ferguson of Camden
Almand	Conner	Flanders
Ansley	Coogler	Fowler of Douglas
Bennett of Clarke	Dallis	Gaines
Bray	Davidson	Goolsby
Brooks of Jackson	Dean	Gowen
Bush	Dickerson	Gross of Stephens
Candler	Douglass	Harden
Clary	English	Hardman
Clements of Marion	Ennis, J. H.	Harrison of Crawford
Clements of Wheeler	Etheridge of Baker	Harrison of Jenkins

Hatchett	Purdy	Smith of Schley
Howard	Ragan	Summerour
Johnson	Rawlins	Tate
Kaigler	Rees	Terrell
Kelley	Rossee	Thornton
King	Rountree	Tippins
McCracken	Sabados	Tomlinson
McDaniel	Sams	Trippe
Miller	Sanders	Turner
Moore of Lumpkin	Sapp	Wages
Morgan	Saunders	Williams of Ware
Moss	Scott	Wright
Pannell	Simmons	Yeomans
Pierce	Smiley	

By unanimous consent, verification of the roll call was dispensed with.

On adoption of the amendment, the ayes were 87, the nays 43.

The amendment was adopted.

The following amendments to the Committee Substitute to House Bill No. 435, were read and adopted:

Mrs. Mankin of Fulton moves to amend Committee Substitute to House Bill No. 435 by adding a new section, same to be appropriately numbered and to read as follows:

“Nothing in this Act shall be construed as to place a tax on Bibles, religious text books or religious periodicals.”

Mr. Hatchett of Meriwether moves to amend caption of Committee Substitute for House Bill No. 435, by adding after the words “to make an allocation” appearing in the eighteenth line of said caption the words “and an appropriation” so that this part of the caption will read as follows:

“to make an allocation and an appropriation to the Department of Revenue for the administration of this Act.”

Mr. Hatchett of Meriwether moves to amend caption of Committee Substitute for House Bill No. 435, by striking the words “distribution thereof” in the ninth line of said caption and inserting in lieu thereof the following words:

“allocation and appropriation thereof.”

Messrs. Drinkard of Lincoln, Forrester of Crisp and Evans of McDuffie move to amend the caption of the Committee Substitute for House Bill No. 435, by inserting in said caption all matters added to said Committee Substitute by amendments.

Section 24. REPEALING CLAUSE. Be it further enacted by the authority aforesaid that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 24, was adopted.

The following substitute offered on the floor of the House by Messrs. Allison of Gwinnett, Lovett of Laurens, Conner of Dooley, Gaines of Franklin, Williams of Bacon, Warren of Forsyth, Tippens of Wilcox and Thigpen of Evans, was taken up for consideration, section by section and item by item, and read:

#### A BILL

To be entitled an Act to be known as the "Luxury or Non-essentials Tax Act," to define luxuries or non-essentials as those commodities and services hereinafter enumerated, the use of which is a luxury and is non-essential as a necessity for life, and to provide for the levy and collection of a tax on the sale and use of luxuries and to provide for the levy and collection of a tax on non-essentials hereinafter enumerated and defined; to provide for the method of collecting the tax levied under this Act; to provide against evasion of the taxes herein imposed; to provide for rules and regulations for the enforcement of the provisions of this Act and for the collection of the taxes levied thereby; to provide for penalties and for seizure, forfeiture and the sale of contraband goods or articles held, owned or possessed in violation of this Act, and for the filing, trial and settlement respecting the same; to allocate the revenue collected from this Act; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by the authority of same.

#### Section 1.

That luxuries or non-essentials taxed by this Act are hereby defined as follows:

#### LUXURIES:

(a) Bottled Drinks. The words "bottled drinks" for the purpose of this Act shall be defined and includes any and all beverages, either carbonated or not, such as soda water, Nu-grape, Coca-Cola, Lime Cola, Pepsi-Cola, Dr. Pepper, Ne-hi, Royal Crown Cola, Double Cola, bottled carbonated water, ginger ales, or any and all bottled preparation commonly referred to as soft drinks of whatsoever kind and description. Soft drinks are further defined to include any and all beverages commonly referred to as soft drinks which are manufactured without the use of any syrup. Provided that the provisions of this Act shall not apply to unadulterated vegetable or fruit juices in original state, or to raw milk, unmixed and in its original state.

(b) Syrup or syrups. The words "syrup or syrups" shall be defined for the purpose of this Act as being the compound mixture or basis ingredients used in the making, mixing or compounding of soft drinks at soda fountains by mixing the same with carbonated or plain water, ice, fruit, milk or any other products suitable to make vendable soft drinks, among such syrups being Coca-Cola syrup, cherocola syrup, lemon syrup, vanilla syrup, cherry smash syrup, nu-grape syrup, Dr. Pepper syrup, royal crown cola syrup, and all prepared syrups sold or used whether or not similar to those enumerated herein, manufactured or sold for the purpose of making soft drinks at soda fountains.

Mr. Campbell of Newton moved that the House do now adjourn until 9:00 o'clock tomorrow morning.

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On the motion to adjourn, the ayes were 15, the nays 91.

The motion to adjourn was lost.

Mr. Campbell of Newton moved that the House do now adjourn until 9:00 o'clock tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until tomorrow morning at 9:00 o'clock, and House Bill No. 435 went over until that time under the order of unfinished business.

Representative Hall, Atlanta, Ga.,

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Tuesday, March 7th, 1939.

The House met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

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

Aiken	Clements of Wheeler	Forrester of Dade
Allen	Cobb	Foster
Allison of Gwinnett	Connell	Fowler of Douglas
Allison of White	Conner	Fowler of Treutlen
Almand	Coogler	Franklin of Bulloch
Ansley	Cook	Franklin of Polk
Atkinson	Corbett	Gaines
Barlow	Culpepper of Fayette	Gavin
Barrett	Culpepper of Mitchell	Gill
Beck	Curry	Goddard
Bell	Dallis	Goolsby
Bennett of Clarke	Daughtry	Gowen
Bennett of Ware	Davidson	Graham
Binion	Davis of Coweta	Grant
Blackshear	Davis of Floyd	Grayson
Blease	Dean	Greene
Bloodworth	DeFoor	Grice
Boyd of Cook	Dickerson	Griffin
Boyd of Greene	Dockery	Gross of Stephens
Branch	Douglass	Gross of Washington
Bray	Drake	Guyton
Brooks of Jackson	Drinkard	Harden
Brooks of Oglethorpe	Easley	Hardman
Bruce	Edwards of Lowndes	Harrison of Crawford
Bush	Edwards of Taylor	Harrison of Jenkins
Bynum	Elliott	Harvey
Campbell	English	Hatchett
Candler	Ennis, J. H.	Hayes
Carmichael of Butts	Ennis, Marion	Henderson
Carmichael of Cobb	Etheridge of Baker	Herndon
Carrington	Etheridge of Fulton	Hill
Carter	Etheridge of Houston	Hinson
Chappell	Evans of Laurens	Holtzendorff
Cheney	Evans of McDuffie	Howard
Clark	Ferguson of Camden	Jackson
Clary	Ferguson of Sumter	Joel
Claxton	Flanders	Johnson
Clements of Calhoun	Ford	Jones of Brantley
Clements of Marion	Forrester of Crisp	Jones of Paulding

Jones of Richmond	Moss	Strickland of Pierce
Kaigler	Pannell	Summerour
Kelley	Parham	Sumner
Kendrick	Parker	Swindle
Kennedy	Pharr	Tate
Key	Pierce	Terrell
Kimbrough	Pilcher	Thigpen of Evans
King	Preston	Thigpen of Glascock
Lanham	Purdy	Thornton
Lanier	Ragan	Tippins
Lewis	Rawlins	Tipton
Looper	Rees	Tomlinson
Lovett	Reid	Trippe
Mankin	Rogers	Turner
Marshall	Rossee	Vickery
Mason	Roughton	Wages
Maxwell	Rountree	Warren
McBride	Sabados	Wells
McCracken	Sams	Whipple
McDaniel	Sanders	Whitaker
McGraw	Sapp	Wiggins
McNall	Sartain	Williams of Bacon
Merritt	Saunders	Williams of Ware
Middleton	Scott	Wohlwender
Miller	Simmons	Wright
Mills	Smiley	Yawn
Moore of Lumpkin	Smith of Henry	Yeomans
Moore of Taliaferro	Smith of Schley	Mr. Speaker
Morgan	Stiles	
Mosely	Strickland of Haralson	

Mr. Gross of Stephens, Acting Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first period of unanimous consents:

1. Introduction of bills and resolutions under the Rules of the House.
2. Report of Standing Committees.
3. Second reading of bills and resolutions, favorably reported.
4. Third reading and passage of local uncontested bills and resolutions of the House and Senate.
5. First reading and reference of Senate bills and resolutions.

By unanimous consent, the following bills and resolution of the House were introduced, read the first time and referred to the Committees:

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By Mr. Grayson of Chatham—

House Bill No. 749. A bill to be entitled an Act fixing and prescribing the maximum interest rate to be charged by persons, firms, corporations, or associations engaged in the business of lending money on assignments of earned or unearned wages; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Mr. Barrett of Cherokee—

House Bill No. 750. A bill to be entitled an Act to re-incorporate the Town of Woodstock; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Gross of Stephens—

House Bill No. 751. A bill to be entitled an Act to prohibit employees and officials of the State from purchasing through the Supervisor of Purchases any article, material, merchandise, ware, commodity or other thing of value for the personal ownership of himself or others; and for other purposes.

Referred to Committee on Ways and Means.

By Mr. Carmichael of Cobb—

House Bill No. 752. A bill to be entitled an Act to amend an Act entitled "An Act to amend Chapter 40-19 of the 1933 Code, known as the charter creating the Supervisor of Purchases within the Executive Department, etc.", so as to provide a proper letter, proposal and affidavit, etc; and for other purposes.

Referred to Committee on Ways and Means.

By Messrs. Bell of Grady, Scott and Tipton of Thomas—

House Bill No. 753. A bill to be entitled an Act to amend the Income Tax Amendments, Extraordinary Session, 1937-1938, by providing that Section 1 shall not apply to bona fide residents of other states who are visitors in Georgia and who are not engaged in any trade or occupation; and for other purposes.

Referred to Committee on Ways and Means.

By Mr. Sapp of Coffee—

House Bill No. 754. A bill to be entitled an Act to provide for holding four terms a year of the Superior Court of Coffee County; and for other purposes.

Referred to Committee on Special Judiciary.

By Mr. Sapp of Coffee—

House Bill No. 755. A bill to be entitled an Act to repeal an Act entitled "An Act to establish the City Court of Douglas, in the City of Douglas, Coffee County, Georgia", and for other purposes.

Referred to Committee on Special Judiciary.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 756. A bill to be entitled an Act to amend an Act entitled "An Act to create a Board of County Commissioners for Gwinnett County and to prescribe and define the powers and duties thereof"; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Atkinson, Grayson and McNall of Chatham—

House Bill No. 757. A bill to be entitled an Act to amend the several Acts incorporating and relating to the Mayor and Aldermen of the City of Savannah; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Moss of Gordon—

House Bill No. 758. A bill to be entitled an Act to incorporate the Town of Oakman in the County of Gordon; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Allison of Gwinnett—

House Bill No. 759. A bill to be entitled an Act to appropriate certain sums of money for certain times to the State Veterinarian for the purpose of making indemnity payments to the owners of cattle reacting to the blood agglutination test for Bang's disease in Georgia; and for other purposes.

Referred to Committee on Special Appropriations.

By Messrs. Marion Ennis and J. H. Ennis of Baldwin, and Lanham and Davis of Floyd—

House Bill No. 760. A bill to be entitled an Act to appropriate \$483,991.08 to the State Department of Public Welfare for certain uses; and for other purposes.

Referred to Committee on Special Appropriations.

By Mr. Key of Jasper—

House Bill No. 761. A bill to be entitled an Act to appropriate money for the maintenance of the Legislative Department; and for other purposes.

Referred to Committee on Special Appropriations.

By Mr. Edwards of Lowndes—

House Bill No. 762. A bill to be entitled an Act to provide tax on transfers

of stock and other corporate certificates; to provide amount of the tax; and for other purposes.

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Referred to Committee on State of Republic.

By Mr. Brooks of Oglethorpe—

House Bill No. 763. A bill to be entitled an Act to amend an Act entitled "Homestead Exemption From Taxes" by repealing Section 7 and enacting a new section in lieu thereof; and for other purposes.

Referred to Committee on Judiciary No. 2.

By Messrs. Rogers, Lanham and Davis of Floyd—

House Bill No. 764. A bill to be entitled an Act to amend the Charter of the City of Rome; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Grayson of Chatham—

House Bill No. 765. A bill to be entitled an Act relating to the learning of the occupation of a barber or hairdresser; and for other purposes.

Referred to Committee on Hygiene and Sanitation.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 766. A bill to be entitled an Act to provide for retirement of teachers and other employees in county school systems in counties of a certain population; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 767. A bill to be entitled an Act to provide for Civil Service of the teachers and other employees of the county school systems in counties of a certain population; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Herndon of Hart—

House Resolution No. 173-759 A. A resolution authorizing and directing the State Librarian to furnish to the Ordinary of Hart County certain volumes of the Georgia Supreme Court Reports; and for other purposes.

Referred to Committee on Public Library.

By Messrs. Yeomans of Wayne and Forrester of Dade—

House Resolution No. 174-765 A. A resolution providing for the manner and funds from which the teachers' salaries shall be paid; and for other purposes.

Referred to Committee on Education No. 1.

Mr. Campbell of Newton County, Chairman of the Committee on Amendments to Constitution No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 1 have had under consideration the following bill and resolutions of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Resolution No. 133-497 B. Do pass.

House Resolution No. 47-186 C. Do pass as amended.

Senate Bill No. 66. Do pass by substitute.

Respectfully submitted,

Campbell of Newton, Chairman.

Mr. Carmichael of Cobb County, Chairman of the Committee on Amendments to Constitution No. 2, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 2 have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 151. Do pass.

Senate Bill No. 177. Do pass.

House Bill No. 720. Do pass.

Respectfully submitted,

Carmichael of Cobb, Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters, have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 344. Do pass as amended.

House Bill No. 638. Do pass.

House Bill No. 712. Do pass.

House Bill No. 501. Do pass as amended.

House Bill No. 728. Do pass.

House Bill No. 734. Do pass.

House Bill No. 739. Do pass.

Senate Bill No. 170. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills of the House, to-wit:

House Bills Nos. 695, 701, 702, 703.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bill of the House, to-wit:

House Bill No. 235.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Williams of Bacon County, Chairman of the Committee on Game and Fish, submitted the following report:

Mr. Speaker:

Your Committee on Game and Fish have had under consideration the following bills of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 579. Do pass.

House Bill No. 611. Do pass.

Respectfully submitted,

Williams of Bacon, Chairman.

Mr. McNall of Chatham County, Vice-Chairman of the Committee on Game and Fish, submitted the following report:

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Mr. Speaker:

Your Committee on Game and Fish have had under consideration the following Bills of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 745. Do pass.

House Bill No. 590. Do pass.

Respectfully submitted,

McNall of Chatham, Vice-Chairman.

Mr. Atkinson of Chatham County, Chairman of the Committee on General Judiciary No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 1 have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 741. Do pass.

House Bill No. 680. Do pass.

House Bill No. 729. Do pass.

House Bill No. 730. Do pass.

House Bill No. 693. Do pass.

Senate Bill No. 43. Do pass.

Respectfully submitted,

Atkinson of Chatham, Chairman.

Mr. McGraw of Meriwether County, Chairman of the Committee on General Judiciary No. 2, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 2 have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 246. Do not pass.

House Bill No. 27. Do not pass.

Senate Bill No. 26. Do not pass.

House Bill No. 586. Do pass.

House Bill No. 164. Do not pass.

Senate Bill No. 67. Do pass, as amended.

Senate Bill No. 53. Do pass, by substitute.

Respectfully submitted,

McGraw of Meriwether, Chairman.

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 716. Do pass.

House Bill No. 717. Do pass.

House Bill No. 718. Do pass.

House Bill No. 719. Do pass.

House Bill No. 721. Do pass.

House Bill No. 737. Do pass.

House Bill No. 733. Do pass.

House Bill No. 743. Do pass.

House Bill No. 744. Do pass.

House Bill No. 748. Do pass.

House Bill No. 654. Do pass.

Senate Bill No. 149. Do pass.

Senate Bill No. 171. Do pass.

Senate Bill No. 173. Do pass.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Almand of Walton County, Chairman of the Committee on Penitentiary, submitted the following report:

Mr. Speaker:

Your Committee on Penitentiary have had under consideration the following

bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

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House Bill No. 401. Do pass.

House Bill No. 582. Do not pass.

Respectfully submitted,

Almand of Walton, Chairman.

Mr. Lovett of Laurens County, Chairman of the Committee on Public Highways No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Public Highways No. 1 have had under consideration the following bill of the Senate and have instructed me as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 169. Do pass.

Respectfully submitted,

Lovett of Laurens, Chairman.

Mr. Wells of Burke County, Chairman of the Committee on Public Library, submitted the following report:

Mr. Speaker:

Your Committee on Public Library have had under consideration the following resolutions of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Resolution No. 148-545 A. Do pass.

Senate Resolution No. 36. Do pass.

Respectfully submitted,

Wells of Burke, Chairman.

Mr. Hayes of Miller County, Chairman of the Committee on Special Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Special Judiciary have had under consideration the following bill of the House and have instructed me as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 747. Do pass.

Respectfully submitted,

Hayes of Miller, Chairman.

Mr. Edwards of Lowndes County, Chairman of the Committee on State of Republic, submitted the following report:

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Mr. Speaker:

Your Committee on State of Republic have had under consideration the following bill and resolution of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Resolution No. 154-604 A. Do pass.

Senate Bill No. 159. Do pass.

Respectfully submitted,

Edwards of Lowndes, Chairman.

By unanimous consent, the following bills and resolutions of the House and Senate, favorably reported, were read the second time:

By Mr. Stiles of Fannin—

House Bill No. 344. A bill to be entitled an Act to amend "An Act to create the office of Commissioner of Roads and Revenues of Fannin County, by striking from line 2 of Section 5 thereof the figures \$600.00 and inserting in lieu thereof the figures \$840.00"; and for other purposes.

By Mr. Campbell of Newton—

House Bill No. 401. A bill to be entitled an Act to abolish the State Board of Penal Administration; to create a Director of Penal Administration; to provide for appointments, etc.; and for other purposes.

By Mr. Lovett of Laurens—

House Bill No. 501. A bill to be entitled an Act authorizing Board of Commissioners of Roads and Revenues of Laurens County to employ county attorney to fix his compensation; and for other purposes.

By Mr. Gill of Bryan—

House Bill No. 579. A bill to be entitled an Act to amend Section 45-601 of the Code of 1933 by adding a provision that shad shall be taken from the waters of the Ogeechee River only between sundown and sun-up during the open season; and for other purposes.

By Mr. Gross of Stephens—

House Bill No. 586. A bill to be entitled an Act to amend homestead exemptions Act to provide how applications, etc., shall be made where homestead claimed lies in more than one county; and is divided by county lines; and for other purposes.

By Messrs. Brooks of Oglethorpe, Herndon of Hart, Thornton of Elbert, Drinkard of Lincoln, Clary of Columbia, and others—

House Bill No. 590. A bill to be entitled an Act to legalize seining from July 15 to September 1 of each year in certain counties of this State; and for other purposes. [www.libtool.com.cn](http://www.libtool.com.cn)

By Mr. Stiles of Fannin—

House Bill No. 611. A bill to be entitled an Act to amend Georgia Laws 1937-38, page 817, to provide that fishing may be permitted in the ponds and lakes in Fannin County from April 15 to May 31, in any year; and for other purposes.

By Mr. Graham of Brooks—

House Bill No. 638. A bill to be entitled an Act to prohibit goats from running at large in counties of this State having a population of not less than 21,330 and not more than 21,390; and for other purposes.

By Mr. Etheridge of Fulton—

House Bill No. 654. A bill to be entitled an Act to amend charter of Atlanta to provide for a Department of Public Safety; and for other purposes.

By Messrs. Bennett and Williams of Ware and Scott of Thomas—

House Bill No. 680. A bill to be entitled an Act to amend an Act (Georgia Laws of 1937, pages 882 to 892, so as to provide that group one of the schools participating in the benefits provided in said Act shall consist of independent school systems in cities of more than 50,000 rather than 10,000; and for other purposes.

By Messrs. Bynum of Rabun, Carmichael of Cobb, Grice of Bibb, Gowen of Glynn, Ferguson of Camden, Atkinson of Chatham and Bell of Grady—

House Bill No. 693. A bill to be entitled an Act to bestow the name of Bleckley upon the mountain in Rabun County, now generally known as Screamer Mountain; and for other purposes.

By Mr. Jones of Brantley—

House Bill No. 712. A bill to be entitled an Act to amend Georgia Laws 1931, page 394, entitled an Act to abolish the offices of tax receiver and tax collector of Brantley County, and creating the office of county tax commissioner and fixing his compensation; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 716. A bill to be entitled an Act to repeal an Act entitled an Act to incorporate the Town of Lilburn in the County of Gwinnett; to provide for a mayor and councilmen and other officers; to prescribe their duties; to provide for the enacting of all necessary ordinances; to provide for penalties for violation of the same; and for other purposes.

By Mr. Jones of Paulding—

House Bill No. 717. A bill to be entitled an Act to create a new charter for the Town of Dallas; and for other purposes.

By Messrs. Sabados and Allen of Dougherty—

House Bill No. 718. A bill to be entitled an Act to provide and empower City of Albany to furnish aid and relief and pensions to all officers, agents and employees of the City of Albany; and for other purposes.

By Mr. Kennedy of Tattnell—

House Bill No. 719. A bill to be entitled an Act to amend the charter of the City of Glennville; and for other purposes.

By Mr. Kennedy of Tattnell—

House Bill No. 720. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution of Georgia so as to authorize the Reidsville School District to incur a bonded indebtedness in addition to that heretofore authorized; and for other purposes.

By Mr. Boyd of Greene—

House Bill No. 721. A bill to be entitled an Act to create a new charter for the City of Greensboro; and for other purposes.

By Mr. Evans of McDuffie—

House Bill No. 728. A bill to be entitled an Act to provide the manner in which justices of the peace and notaries shall be compensated in criminal cases in counties of certain population; and for other purposes.

By Messrs. Stiles of Fannin and Sartain of Walker—

House Bill No. 729. A bill to be entitled an Act to provide for the special taxation by the State and by the counties, school districts, municipalities and other political sub-divisions of the State, etc., of all corporations organized under the laws of the United States, engaged in the generation, sale or distribution of electricity; and for other purposes.

By Messrs. Stiles of Fannin and Sartain of Walker—

House Bill No. 730. A bill to be entitled an Act to provide for the ad valorem taxation of property owned in this State by corporations organized under the laws of the United States and by agencies of the United States engaged in proprietary as distinguished from governmental activities in this State; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 733. A bill to be entitled an Act to amend Georgia Laws, 1923, pages 775-780, changing the corporate limits of the Town of Snellville; and for other purposes.

By Mr. Rawlins of Telfair—

House Bill No. 734. A bill to be entitled an Act to amend Georgia Laws, 1931, pages 566-574, so as to provide the amount of fees to be charged by the sheriff of Telfair County for dieting prisoners; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 737. A bill to be entitled an Act to incorporate the Town of Sugar Hill in the County of Gwinnett and State of Georgia; and for other purposes.

By Mr. Ferguson of Camden—

House Bill No. 739. A bill to be entitled an Act granting to the Commissioners of Roads and Revenues of Camden County in the State of Georgia authority to regulate in said county along any or all roads which now has authority to adopt and enforce zoning ordinances therein, the heights, size and use of buildings and other structures; and for other purposes.

By Mr. Bray of Bartow—

House Bill No. 741. A bill to be entitled an Act to prohibit the use of metal seals, clips, wires or tags on containers of feed for live stock; and for other purposes.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 743. A bill to be entitled an Act to amend the charter of the City of Augusta so as to authorize the City Council of Augusta to make temporary loans and provide for their repayment; and for other purposes.

By Mr. Culpepper of Fayette—

House Bill No. 744. A bill to be entitled an Act to amend the Act incorporating the Town of Tyrone, Georgia; and for other purposes.

By Messrs. Campbell of Newton, Smith of Henry, Carmichael of Butts and Key of Jasper—

House Bill No. 745. A bill to be entitled an Act to authorize fishing with hooking lines at all times during the year in Jackson Lake, located in the counties of Newton, Jasper, Butts and Henry; and for other purposes.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 747. A bill to be entitled an Act to amend an Act creating the City Court of Colquitt County; and for other purposes.

By Messrs. Sams, Candler and Turner of DeKalb—

House Bill No. 748. A bill to be entitled an Act to amend the charter of the City of Pine Lake, in DeKalb County; and for other purposes.

By Mr. Thigpen of Glascock—

House Resolution No. 47-186 C. A resolution proposing an amendment to Paragraph 2, Section 7, Article 6, of the Constitution to provide the Justice Courts shall have jurisdiction in trover cases, and to give them jurisdiction up to \$300.00 in certain counties; and for other purposes.

By Mr. McCracken of Jefferson—

House Resolution No. 133-497 B. A resolution proposing an amendment to

Article 7, Section 2, Paragraph 2, of the Constitution, providing that the General Assembly may exempt from all taxation property of Electric Membership Corporations created under the Electric Membership Corporation Act; and for other purposes.

By Mr. Davis of Coweta—

House Resolution No. 148-545 A. A resolution directing the State Librarian to furnish certain volumes of Supreme Courts and Court of Appeals Reports to Coweta County; and for other purposes.

By Messrs. Grayson of Chatham and Culpepper of Fayette—

House Resolution No. 154-604 A. A resolution to extend time, duties and powers of Economy Committee, to provide for committee to be increased by three members of Senate; and for other purposes.

By Senator Manning of the 39th District—

Senate Bill No. 43. A bill to be entitled an Act to define and prohibit reckless driving; to restrict the speed limit; to require the filing of reports of accidents and to otherwise promote safety on the public streets and highways; and for other purposes.

By Senator Chastain of the 41st District—

Senate Bill No. 53. A bill to be entitled an Act to fix the responsibility of all persons, firms, corporations engaged in transporting pupils, teachers, or school officials to and from school; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 66. A bill to be entitled an Act to amend Paragraph 2, of Section 6, of Article 7, of the Constitution of Georgia authorizing the General Assembly to enact laws to create a retirement and pension fund and system of retirement pay for county employees of Fulton and Richmond Counties; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 149. A bill to be entitled an Act to amend an Act establishing a new charter for the City of Atlanta, approved February 28, 1874, and the several Acts amendatory thereof; and for other purposes.

By Senator Warnell of the First District—

Senate Bill No. 151. A bill to be entitled an Act to propose to the qualified voters of the State of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City of Savannah to incur an additional bonded indebtedness for the purpose of securing and establishing an industrial and domestic water supply; and for other purposes.

By Senator Thrasher of the 27th District—

Senate Bill No. 159. A bill to be entitled an Act to specify the qualifications of State employees; and for other purposes.

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By Senators Nix of the 32nd, Manning of the 39th and Ingram of the 51st Districts—

Senate Bill No. 169. A bill to be entitled an Act to amend the Neill-Traylor Act authorizing the Highway Board to add to the State Aid System a certain road in Dawson County, Forsyth County, also a branch leading off this road by the way of Shiloh into Cherokee County; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 170. A bill to be entitled an Act to provide for a budget in all counties in this State having a population of two hundred thousand or more by the United States Census of 1930, or by any future census; and for other purposes.

By Senator Holt of the 3rd District—

Senate Bill No. 171. A bill to be entitled an Act to authorize the City of Baxley to create a city authority by city ordinance; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 173. A bill to be entitled an Act to amend an Act entitled "An Act to repeal an Act approved August 18, 1925, and to provide for a pension for members of the police department in cities having certain population;" and for other purposes.

By Senator Warnell of the 1st District—

Senate Bill No. 177. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia so as to authorize the City of Savannah to incur a bonded indebtedness in addition to that heretofore authorized; and for other purposes.

By Senator Howe of the 38th District—

Senate Resolution No. 36. A resolution authorizing the State Librarian to supply certain volumes of law reports to Haralson County; and for other purposes.

By unanimous consent, the following bill of the House was read the third time and placed upon its passage:

By Mr. Foster of Towns—

House Bill No. 704. A bill to be entitled an Act to require the Tax Collector of Towns County to issue all tax receipts in numerical order; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the following bill of the Senate was read the first time and referred to the Committee.

By Senator Cail of the 17th District—

Senate Bill No. 146. A bill to be entitled an Act to amend Section 95-1715 of the 1933 Code relating to condemnation of right of way by permitting condemnation of property for public roads to the width of 200 feet at the base and by permitting condemnation for barrow pits; and for other purposes.

Referred to Committee on Public Highways No. 1.

Under the order of unfinished business, the following bill of the House was again taken up for consideration:

By Messrs. Harvey of Upson and Trippe of Polk—

House Bill No. 435. A bill to be entitled an Act to raise revenue by levying a tax for the benefit of dependent children, etc., to repeal certain tax laws; and for other purposes.

At the time of adjournment on Monday, the House had under consideration, the Substitute to House Bill No. 435 offered by Mr. Allison of Gwinnett, and others, and further consideration of Section 1 was resumed.

The Speaker asked unanimous consent that individual speeches be limited to fifteen minutes, and objection was heard.

Mr. Lovett of Laurens moved that individual speeches be limited to ten minutes.

Mr. Culpepper of Fayette moved individual speeches be limited to fifteen minutes, and the motion prevailed.

Section 1.

#### NON-ESSENTIALS:

(c) Theatres, opera houses, motion picture shows, vaudevilles, amusement parks, athletic contests (including wrestling and boxing), football games, tennis games, skating rinks, race tracks, golf courses, public dance halls, public bathing places, where an admission fee is charged and collected.

(d) The term "distributor" shall be defined for the purpose of this Act as including every person charged under this Act with the duty of paying tax or taxes herein imposed.

(e) The term "retailer" shall be defined for the purpose of this Act as one engaged as a merchant in selling personal property not intended for resale.

(f) The term "manufacturer" is defined for the purpose of this Act in the usual sense of a person who fabricates or compounds commodities in such way as to add to their value. It includes those who operate as bottlers.

The following amendment to Section 1 was read and adopted:

Messrs. Boyd of Cook and Sabados of Dougherty move to amend Sub-section "C" of Section 1 of the Allison Substitute to House Bill No. 435 by adding in line five (5) of said Section "C", between the word "places" and the word "where" in said line 5, the following:

"Sales, leases, licenses or rentals on patents, and/or copyrights, or any privileges, or rights thereunder."

The following amendment to Section 1 was read:

Mr. Carrington of Barrow moves to amend the Committee Substitute "Luxury Tax Act" by adding a new sub-section under Section 1 of said Act to be known as Sub-section (g) and to read as follows:

"Non-essentials shall also include all athletic and sporting goods, furs, and fur garments, diamonds, cosmetics and all jewelry. Provided, however, that the tax imposed on the articles named in this section shall be at the rate of three percent (3%) on the selling price."

On adoption of the amendment, Mr. Davis of Coweta moved the ayes and nays, and the motion was lost.

The amendment was lost.

Section 1, as amended, was adopted.

Section 2. There is hereby levied in addition to all other taxes of every kind now imposed by law which are not specifically repealed by this Act, upon every person, firm, corporation, club or association, within the State of Georgia, who sell and/or stores, and/or receives for the purpose of distribution to any person, firm, corporation, club or association within the State of Georgia, soft drinks, bottled carbonated or sparkling water and soft drink syrups and non-essentials as defined in this Act, the following tax, to-wit:

(a) Bottled drinks containing plain or carbonated water and including all bottled carbonated or sparkling water—twenty percent (20%) of the retail sale price thereof. Provided further that the tax herein levied shall not apply to any bottled drinks now taxed under the Malt Beverage Act.

(b) Syrup—Seventy-five cents (75c) per gallon, and a like proportionate rate on more or less than a gallon.

(c) Theaters, opera houses, motion picture shows, vaudevilles, amusement parks, athletic contests (including wrestling and boxing), football games, baseball games, basketball games, tennis games, skating rinks, race tracks, golf courses, public dance halls, public bathing places, where an admission fee is charged and collected, there is hereby levied a tax of twenty percent (20%) of the admission, or fee, charged and collected, which admission, or fee, shall be paid by the person purchasing such ticket or paying such admission, and the tax herein imposed shall be in addition to the fee, or admission charged and collected.

Provided, however, that this tax shall not apply to those charges, fees or admissions to, whether for the purpose of participating in or witnessing, any of the above amusements, contests or games, where said fees, charges or admissions are less than twenty cents (20c) each; and in the event any of such charges, fees or admissions are twenty cents (20c) or more, said tax is hereby imposed upon each such charge, fee and admission in its entirety; and provided further that this tax shall not apply to amusements, entertainments or games given or produced by grammar schools, high schools and churches or other civic organizations when such amusements or entertainments are produced entirely by local talent, and all the proceeds of which shall inure to the benefit of any such grammar schools, high schools, churches and civic organizations sponsoring any such entertainment or amusement; nor to student tickets to any such amusements or games as specified in this paragraph, but it shall apply to the charges and admissions to games, amusements and contests within the University System (other than student tickets) and the authorities of such institutions are hereby required to account for and pay to the State Revenue Commissioner the twenty percent (20%) tax herein levied and imposed.

The above amounts as levied for taxes hereunder shall be collected in the method as defined hereinafter.

Section 2, was adopted.

Section 3. Every person receiving any payment for admissions taxable as non-essentials under this Act shall collect the amount of tax imposed by this Act from the person making such payments.

The taxes imposed hereunder shall be due and payable to the Commissioner of Revenue, State of Georgia, or a successor authority in weekly installments and remittance therefor shall be made on the last day of each week in which the taxes are collected or accrued.

The person receiving any payment for admissions on or before said last day of said week, shall make out a return upon such forms and setting forth such information as the Commissioner of Revenue may require showing the amount of tax upon admissions for which he is liable for the preceding weekly period, which report, or return, shall be verified on oath, and the same shall be transmitted to the Commissioner of Revenue without delay together with remittance for the tax due.

The Commissioner of Revenue shall have the right and may audit the records, books and accounts of such person as often as in the discretion of the Commissioner of Revenue may be necessary to insure the collection and payment of all tax levied and due, as herein set out.

Section 3, was adopted.

Section 4. Any person, or persons, firm or corporation evading any tax herein levied on non-essentials or attempting to evade any such tax by making any false statement or report or failing to file reports at the time required by this Act shall be subject to having assessed against him or it a penalty equal to 100% of the tax due; such penalty to be collected by the issuance of an execution against such per-

son, firm or corporation and to be levied as other executions issued by the Commissioner of Revenue in the same manner as executions are levied for taxes due under the General Tax Act.

Section 4, was adopted.

Section 5. The administration of this Act is vested in the Commissioner of Revenue and any department succeeding the Commissioner of Revenue which may be established by law.

(a) The Commissioner of Revenue or its successors is hereby authorized to prescribe forms and promulgate rules and regulations needed for the enforcement of this Act.

(b) The Commissioner of Revenue or any representative appointed by him is hereby authorized to examine the books, records, papers, files, equipment and/or inventory, of any distributor or retailer pertaining to sales, and/or receipts made taxable by this Act, to examine witnesses under oath for the purpose of verifying the returns made under and by virtue of this Act; and for other purposes involving enforcement of this Act; and to examine the books, records, papers, files equipment, and/or inventory of manufacturers, jobbers, retailers, or carriers for the purpose of ascertaining whether the Act is being violated.

(c) Any information obtained by the Commissioner of Revenue or any of his authorized agents, as a result of the reports, investigations or verifications, herein authorized or required to be made, shall be confidential as respecting the business of any person, and any person divulging such information except on the order of a court of competent jurisdiction, or to an officer of the State of Georgia, entitled to receive the same in his official capacity shall be fined not exceeding five hundred (\$500.00) dollars.

(d) The Commissioner of Revenue is hereby authorized and directed to prescribe the forms of stamps and caps or crowns herein required to be used. They shall be stamps and crowns carrying the design prescribed, prepared for sale in such a manner as it may deem proper. Such stamps shall be sold at their face value, the crowns or caps shall be provided at the cost of manufacture, plus transportation charges, plus stamp tax value.

Be it provided, however, that the Commissioner of Revenue in his discretion may permit said distributor on the furnishing of a bond deemed good and sufficient by the Commissioner of Revenue, in the amount in no event less than twice the average monthly tax paid by such distributor with corporate surety authorized to do business in Georgia, to purchase such stamps and/or crowns or caps on credit not more than thirty days.

(e) The Commissioner of Revenue shall keep a suitable record of the sale of all stamps and crowns which shall show the dates of sales thereof and the names of the purchasers.

Section 5, was adopted.

Section 6. Whoever removes, washes, restores, alters, or otherwise prepares stamp or crown with intent to use, or cause to be used, after it has already been

used, or whoever knowingly or wilfully buys, sells, offers for sale or gives away such washed, restored, or altered stamp or crown, to any person, or knowingly uses the same, or has in his possession any washed, restored, or altered stamps which have been removed from commodities to which they have been previously affixed, or whoever, for the purpose of indicating payment of any tax herein imposed, uses again any stamp or crown that has heretofore been used, for the purpose of denoting the payment of the tax provided in this Act, or whoever prepares, buys, sells or offers for sale, or knowingly has in his possession any counterfeit stamps or crowns, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand (\$1000.00) dollars or by imprisonment for not more than one (1) year or by both methods.

(a) Counterfeit Stamps. That whoever manufactures, buys, sells, offers for sale, or has in his or its possession any reproduction or counterfeit of the Georgia Revenue Stamps provided for in this Act, is guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than a year and a day, nor more than ten (10) years, and in addition, may be fined not less than two thousand (\$2000.00) dollars, nor more than ten thousand (\$10,000.00) dollars.

Section 6, was adopted.

Mr. Gross of Stephens moved that the House recess for one hour, and the motion prevailed.

2:00 o'clock P M.

The Speaker called the House to order.

The following resolutions were read and adopted:

By Messrs.: Wohlwender of Muscogee, Saunders of Harris, Sartain of Walker, Cook of Chattooga, Mason of Morgan, Douglass of Talbot, Almand of Walton, Hatchett and McGraw of Meriwether, Clements of Marion, Culpepper of Mitchell, Blackshear of Hall, Tate of Pickens, Johnson of Chatahoochee, Maxwell of Muscogee, Harrison of Jenkins, Harrison of Crawford, Pierce of Terrell, Daughtry of Wilkinson, Greene of Jones, Lanier of Richmond, Grant of Habersham, Bush of Mitchell, Williams of Bacon, Chappell of Sumter, Rossee of Putnam, Fowler of Douglas, Barnett of Cherokee, Purdy of Spalding, Ford and Sumner of Worth, Gross of Stephens, Ferguson of Sumter, Atkinson of Chatham, Bennett of Ware, Whipple of Bleckley, Bynum of Rabun, Beck of Carroll, Miller of Lanier, Cobb of Oconee, Rountree of Emanuel, Strickland of Haralson, Moore of Lumpkin, Yawn of Dodge, Coogler of Clayton, Carter of Stewart, McNall of Chatham, Edwards of Taylor and Lanham of Floyd—

House Resolution No. 175.

#### A RESOLUTION

Whereas, this session of the General Assembly has been confronted with many vexing problems, and

Whereas, our Honorable Speaker, Roy V Harris, has, on many occasions, en-

countered parliamentary entanglements during the consideration of various bills, and,

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Whereas, our Speaker has with dignity and without favor presided over this body in a manner that deserves the commendation and praise of every member.

Therefore be it resolved by the House that we express to our Speaker, the Honorable Roy V Harris, our profound gratitude for the excellent and efficient service he has rendered as our presiding officer and assure him of our continued confidence in his leadership.

By Mr. Key of Jasper—

House Resolution No. 176.

#### A RESOLUTION

Whereas, there was introduced into the House of Representatives of the National Congress on January 31, 1939, House Resolution 3517, "A bill to promote the general welfare through appropriation of funds to assist the States and Territories in providing more effective programs of public education," and

Whereas, the title of this bill provides that it may be cited as the "Federal Aid to Education Act of 1939," and

Whereas, this bill is receiving serious consideration by the National Congress, and

Whereas, Section I in the "Statement of Policy" of this bill clearly states that, "It is the primary purpose of this Act to assist in equalizing educational opportunities, among and within the States, insofar as the grants-in-aid to the States herein authorized will permit, without Federal control over the educational policies of States and localities," and

Whereas, this bill will go a long way toward equalizing the educational opportunity given to the children of the various States and Territories of our nation, and

Whereas, the 1937 General Assembly of the State of Georgia on February 11, 1937, memorialized the National Congress on the question of Federal Aid to Education without Federal Control.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, that we favor the passage of the "Federal Aid to Education Act of 1939" by the National Congress.

Be it further resolved that copies of this resolution be transmitted to the President of the United States and to each member of the Georgia delegation in the National Congress.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate, to-wit:

By Senators Millican of the 52nd, Abbot of the 18th and Sanders of the 36th Districts—

Senate Bill No. 126. A bill to amend Section 30-102, "grounds for total divorce," of Georgia Code of 1933 by adding an additional ground providing for a total divorce when either party is adjudged insane by a commission or court; and for other purposes.

By Senator Manning of the 39th District—

Senate Bill No. 189. A bill amending an Act authorizing the Mayor and Council of Marietta to have held an election to extend water mains and electric lines beyond the city limits; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate and House, to-wit:

By Senator Cail of the 17th District—

Senate Bill No. 146. A bill to amend Section 95-1715 of the 1933 Code relating to condemnation of right-of-way by permitting condemnation of property for public roads to the width of 200 feet; and for other purposes.

By Mr. Gross of Stephens—

House Bill No. 235. A bill to amend Georgia laws, Extra Session 1937-38, by allocating funds to rural post roads division of State Highway Department; and for other purposes.

Further consideration of the Substitute to House Bill No. 435, offered by Mr. Allison of Gwinnett, and others, was resumed:

Section 7. No person shall sell, give or lend any stamps or crowns, nor shall any person purchase, accept, receive or borrow any stamps or crowns from any person; it being the intent thereof, in order to prevent fraud and insure collection of the taxes due, to limit all sales and transfers of such stamps or crowns to the Commissioner of Revenue or its authorized representative.

Section 7, was adopted.

Section 8. It is the intent and purpose of this Act to impose the tax levied herein once only upon the sale of the same commodities made taxable hereunder. Any commodity, on account of the sale of which the tax has been paid, shall not

occasion payment of a second or other tax regardless of the number of times the commodity may be sold in this State.

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Section 8, was adopted.

Section 9. Every manufacturer and/or distributor is hereby required to preserve written records of sales and/or receipts made taxable by this Act in such form as the Commissioner of Revenue may prescribe to keep invoices of commodities purchased, which are taxable hereunder and to maintain such other records and to submit such reports as the Commissioner of Revenue may require for the enforcement of this Act.

If commodities taxed hereunder, the sale of which is made taxable by this Act, are distributed or sold into another State, the Commissioner of Revenue may dispense with stamps or crowns or make appropriate regulations prescribing some other means whereby the tax may not be payable.

Section 9, was adopted.

Section 10. The tax imposed herein upon syrups shall be paid by affixing the stamps in the manner and at times herein set forth. The tax imposed herein upon the sale of bottled or soft drinks as herein defined shall be paid by a tax paid crown for the purpose of showing that such tax has been paid. Said stamps and/or crowns shall be affixed according to the rules and regulations of the Commissioner of Revenue to make this Act effective.

(a) All syrups shall be stamped within twenty-four (24) hours of the time such manufactured articles are packed or imported into the State, and before the same shall be sold or offered for sale, affixed to each individual barrel, box, bottle, package, or other container whether or not enumerated herein, a stamp in such denomination as to show the payment of the tax herein levied. The stamp or stamps shall be so affixed that the barrel, box, bottle, package or container cannot be opened by the ordinary process without breaking or tearing such stamp or destroying said barrel, box, bottle, package or other container, and it shall be so affixed as to require the continued application of steam or water to remove it without opening the said barrel, box, bottle, package, or other container.

(b) All bottled drinks which are taxed under the provisions of this Act and are manufactured, bottled, or imported for sale in this State shall be stamped within twenty-four (24) hours of the time such drinks are manufactured, bottled, or imported and before the said drinks are sold or offered for sale, by affixing to each individual bottle a crown or cap provided by the Commissioner of Revenue for the purpose in such denominations as to denote payment of the tax herein levied. Be it provided, however, that the person required by this Act to affix crowns or caps to such containers shall be allowed a discount of two (2) percent of the amount of the tax to cover breakage and leakage.

(c) Whoever makes use of any stamp or stamps to denote any tax imposed by this Act without cancelling such stamp by writing or stamping across the face of each stamp the registered number of such wholesaler, distributor or retailer (said

number to be furnished by the Commissioner of Revenue) shall be guilty of a misdemeanor and if convicted shall pay a fine of not more than one hundred (\$100.00) dollars or be put in prison for not more than thirty days for each offense.

Section 10, was adopted.

Section 11. Any bottled or soft drinks, any syrups or other products taxable under this Act found at any point within the State of Georgia which under this Act shall have been within the State of Georgia for a period of two (2) hours, or longer, in the possession of any retailer or semi-jobber, or for a period of forty-eight (48) hours, or longer in the possession of any manufacturer, wholesaler or jobber not having affixed to the barrel, box, bottle, package or other container the stamps or crowns as above provided, are herewith declared to be contraband goods and the same may be seized by the Commissioner of Revenue or his agent and/or by any peace officer of the State of Georgia, without a warrant and the said goods shall be delivered to the Commissioner of Revenue for sale at public auction to the highest bidder after due advertisement, by the Commissioner of Revenue before delivering any said goods so seized shall require the purchaser to affix the proper amount of stamps or crowns to the individual package as above described. The proceeds of sale for any goods hereunder shall be turned over to the State Treasurer by the Commissioner of Revenue as other funds collected by said Commissioner of Revenue. Provided, that the cost of confiscation and sale shall be paid out of the proceeds derived from such sales before making remittance to the State Treasurer. Provided, further, that any of the goods, wares, or merchandise, herein enumerated and all such goods, wares, and merchandise when ordered for sale, whether at wholesale or retail without the stamps and crowns having first been affixed, shall be subject to confiscation as herein provided. Provided, further, should any unstamped goods, wares, or merchandise as herein enumerated and defined, without tax paid crowns be found in any vehicle which is engaged in the sale, distribution or delivery of the articles herein enumerated the same shall be prima facie evidence that it or they were there for sale.

Section 11, was adopted.

Section 12. In all cases of seizure of any goods, wares, merchandise or other property hereafter made as being subject to forfeiture under provisions of this Act which in the opinion of the officer, or person making the seizure, are of the appraised value of fifty (\$50.00) dollars, or more, the said officer or person shall proceed as follows:

(a) He shall cause a list containing a particular description of the goods, wares, merchandise, or other property seized to be prepared in duplicate and appraisal thereof to be made by three sworn appraisers, to be selected by him, who shall be respected and disinterested citizens of the State of Georgia, residing within the county wherein the seizure was made. Said list and appraisal shall be properly attested by said officer or persons, and said appraisers, for which service each of said appraisers shall be allowed the sum of (\$1.00) one dollar per day, not exceeding two (2) days, to be paid by the Commissioner of Revenue out of any

revenue received by it from the sale of the confiscated goods or the compromise which may be effected.

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(b) If the said goods are delivered by the officer making the seizure to be of value of less than fifty (\$50.00) dollars, no appraisal shall be made. The said officer, or person, shall proceed to post a notice for three (3) weeks, in writing at three (3) places in the county where the seizure was made, describing the articles and stating the time and place and cause of their seizure and requiring any person claiming them to appear and make such claim in writing within thirty (30) days from the date of the first posting of such notice.

(c) Any person claiming the said goods, wares, or merchandise, or other property so seized as contraband within the time specified in the notice, may file with the Commissioner of Revenue a claim in writing, stating his interest in the articles seized, and may execute a bond to the Commissioner of Revenue in a penal sum equal to double the value of said goods so seized, but in no case shall said bond be less than the sum of two hundred (\$200.00) dollars, with sureties to be approved by the clerk of the Superior Court in the county in which the goods are seized, conditioned that in the case of condemnation of the articles so seized, the obligors shall pay to the Commissioner of Revenue the full value of the goods so seized and all cost and expense of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And upon delivery of such bond to the Commissioner of Revenue it shall transmit the same with the duplicate list or description of the goods seized to the solicitor of the circuit in which such seizure was made, and the said solicitor shall file a bill in the Superior Court in equity of the county where the seizure was made to secure the forfeiture of said goods, wares, merchandise, or other property. Upon the filing of the bonds aforesaid, the said goods shall be delivered to the claimant pending the outcome of said case: Provided, however, said goods must have the proper stamps affixed to each such article as herein enumerated before turning same over to claimant. The stamps so affixed to be paid for by claimant when goods properly stamped are delivered by the Commissioner of Revenue.

(d) If no claim is interposed and no bond given within the time above specified, such goods, wares, merchandise, or other property shall be forfeited without further proceedings and the same shall be sold, as herein provided. And the proceeds of sale when received by the Commissioner of Revenue shall be turned into the State Treasury as other revenues are required by law to be turned in: Provided, that in seizure in quantities of less value than fifty (\$50.00) dollars, the same may be advertised with other quantities in Atlanta, Georgia, by the Commissioner of Revenue and disposed of as hereinabove described. The proceedings against goods, wares, merchandise, or other property, pursuant to the provisions of this Act shall be considered as proceedings in rem unless otherwise provided herein. Provided, however, should the Commissioner of Revenue have to resort to the Courts for collection of the tax due and assessed, no advertisement shall be made and the confiscated articles enumerated herein may be held as evidence pending the results of Court action.

**Section 12, was adopted.**

Section 13. The Commissioner of Revenue may in his discretion return any goods, confiscated under this Act or any part thereof, when it is shown that there was no intention to violate the provisions of this Act. Provided, when any goods, merchandise, or other property, are confiscated under the provisions of this Act, the Commissioner of Revenue, in his discretion, return such goods to the parties from whom they are confiscated if and when such parties shall pay to the Commissioner of Revenue, or his duly authorized representatives, an amount equal to the tax due under this Act on the goods confiscated, and in such cases no advertisement shall be made or notices posted in connection with said confiscation.

The Commissioner of Revenue may promulgate rules and regulations governing the stamping of any articles or commodities enumerated herein handled by persons, firms, or corporations operating on interstate common carriers.

Any rules and regulations of the Commissioner of Revenue, when duly made and promulgated shall have the full force and effect of law. Any person when violating such rules when duly made and promulgated, shall be guilty of a misdemeanor and shall upon conviction be fined not less than fifty (\$50.00) dollars, and not more than one hundred (\$100.00) dollars for each offense.

Section 13, was adopted.

Section 14. It shall be provided by regulations of the Commissioner of Revenue the methods of breaking packages, forms and kind of containers and methods of affixing stamps that shall be employed by persons, firms or corporations and subject to the tax imposed by this Act which will make possible the enforcement of payment of inspection and any person, firm or corporation subject to this tax, engaging in or permitting such practices as are prohibited by regulations of the Commissioner of Revenue or in any other practice which makes it difficult to enforce the provisions of this Act by inspection, or if any person, firm or corporation, agent or officer thereof, who shall upon demand of the Commissioner of Revenue, any officer, or agent of the Commissioner of Revenue, refuse to allow full inspection of the premises or any part thereof, or who shall hinder or in anywise delay or prevent such inspections when demand is made thereof, or in any way interferes with any agent of the Commissioner of Revenue in the performance of his duties in enforcing this Act (confiscation of articles enumerated deemed by the agent of the Commissioner of Revenue to be contraband), is hereby declared to be one of the duties of an agent of the Commissioner of Revenue, shall be deemed to be guilty of a misdemeanor and shall, upon conviction, be fined not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars for each offense, or imprisonment in the county jail for a period not exceeding ninety (90) days, or both, in the discretion of the Court.

Section 14, was adopted.

Section 15. It shall be the duty of every person, firm or corporation, club or association of persons, receiving, storing, selling or handling articles as herein enumerated in any manner whatsoever, to keep and preserve all invoices, books, papers, cancelled checks, or other memoranda touching the purchase, sale, exchange,

or receipt of any and all articles as enumerated herein for a period of two (2) years. All such invoices, books, papers cancelled checks or other memoranda shall be subject to audit and inspection by any duly authorized representative of the Commissioner of Revenue at any and all times. Any person, firm, corporation, club or association of persons, who fails or refuses to keep and preserve the records as herein required, or who upon request by a duly authorized agent of the Commissioner of Revenue fails or refuses to allow an audit or inspection of records as hereinabove provided, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, or imprisonment in the county jail for a period not to exceed ninety (90) days for each offense.

Section 15, was adopted.

Section 16. Each and every wholesaler or jobber, qualifying as such with the Commissioner of Revenue shall be required to file a report between the first and tenth of each month, covering the purchase and/or receipt by them of all articles as enumerated and defined herein, during the preceding month. Said report shall give in detail the different kinds and quantities of the articles enumerated herein so purchased and/or received by them during the preceding month. Any wholesaler or jobber failing or refusing to file the above report in the manner and time allowed, shall be deemed a violator of this Section and upon conviction shall be fined not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars for each offense.

Section 16, was adopted.

Section 17. The Commissioner of Revenue is hereby authorized and directed to have prepared and distributed stamps suitable for denoting the tax on all articles enumerated herein. Any person, firm, corporations or association of persons, other than the Commissioner of Revenue, who sells stamps, not affixed to the articles enumerated herein sold and delivered by them, whether the said stamps be genuine or counterfeit, shall be guilty of a felony and punishable as set out in Section 6 of this Act. When wholesalers or jobbers have qualified as such with the Commissioner of Revenue as provided in this Act and desire to purchase stamps as prescribed herein for use on the taxable articles enumerated herein, sold and delivered by them, the Commissioner of Revenue shall allow on such sales of stamps for the articles herein enumerated, excepting crowns, the following:

On a sale of one hundred (\$100.00) dollars or over and less than two hundred (\$200.00) dollars, a discount of three per cent on the entire amount of the sale; on a sale of two hundred (\$200.00) dollars or more, a discount of five (5%) per cent on the entire amount of the sale.

Every wholesaler or jobber purchasing stamps as described herein, shall be required to make a full and complete accounting on or before the tenth of each month for all stamps used on taxable articles as enumerated herein during the preceding month. Every wholesaler or jobber refusing or failing to comply with this section shall forfeit the commission or discount on stamps purchased in the future.

Section 17, was adopted.

Section 18. Persons failing to properly affix the required stamps or tax paid crowns to any of the enumerated articles herein defined shall be required to pay as part of the tax imposed hereunder, a penalty of not less than twenty-five (\$25.00) dollars, nor more than five hundred (\$500.00) dollars, to be assessed and collected by the Commissioner of Revenue, as other taxes are collected. And each article or commodity not having proper stamps affixed thereto as required herein shall be deemed a separate offense. Provided, that of the articles enumerated herein in the place or business of any person required by the provisions of this Act to stamp the same shall be prima facie evidence that they are intended for sale. Provided, further, that if within ten (10) days and not thereafter after notification in writing by the Commissioner of Revenue, or its duly authorized agent, to the person, firm or corporation, of its failure, to properly affix the required stamps to any article or commodity, or within ten (10) days after written notification to him that he has sold any article or commodity requiring stamps without having the stamps properly attached thereto as required by this Act, the party charged, or to be charged with such commission as herein provided, shall have the right within said time, and not thereafter, to demand a trial of the issue before a court of competent jurisdiction in the manner now provided by law for the trial of civil actions or civil suits. The written notice herein required may be served by mail. When it is so served, the paper must be deposited in the postoffice addressed to the person on whom it is to be served at his last known place of residence and the postage paid, and the ten (10) days herein provided shall begin to run from the date of mailing. Said notice may also be personally served by any agent of the Commissioner of Revenue, or any other person, by delivering the same to the person or corporation charged, or by leaving the same in the place of business of such person, or corporation. Provided, further, that the Commissioner of Revenue upon good causes shown may in its discretion remit a part of the penalties above described herein, but in no case shall it accept less than the minimum penalty provided for each offense. Provided, further, that any judgment rendered in favor of the State, in any civil action or suit shall be a first preferred lien for taxes upon all property of the taxpayer and in the event of nonpayment shall be filed in the office of the Clerk of Superior Court in the county where taken and execution may be issued by the Commissioner of Revenue as now provided by law.

Section 18, was adopted.

Section 19. If any taxes or penalties imposed by this Act remain due and unpaid for a period of ten (10) days, the Commissioner of Revenue shall issue an execution directed to any sheriff of the State of Georgia commanding him to levy upon and sell the real and personal property of the taxpayer found within his county for the payment of the amount thereof, with penalties, if any and the cost of levying the execution and to return such execution to the Commissioner of Revenue and to pay it the money collected by virtue thereof. Upon receipt of such execution, the sheriff shall file with the Clerk of Superior Court of his county a copy thereof and thereupon the Clerk of the Superior Court shall enter the same upon the execution docket kept by him in the same manner as other executions are entered,

and shall index the execution upon the index of judgments. The Sheriff shall thereupon proceed upon the execution as in all other similar matters. The defendant named in any execution shall have the right to file an affidavit of illegality to the court and same shall be tried in the same manner as other affidavits of illegality are now tried.

Section 19, was adopted.

Section 20. It shall be unlawful for any person, firm or corporation to receive in this State any shipment of any of the articles taxed herein when the same are not stamped as required by this Act, and knowing the same to be not stamped, for the purpose and intention of violating the provisions of this Act, and to avoid payment of the taxes, such person, firm or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars or sentenced to jail for not less than thirty (30) days or more than sixty (60) days, either or both. Provided, that in the event this provision shall be declared unconstitutional by the Courts, it shall not affect the remaining sections or any other part or portion of this Act.

Section 20, was adopted.

Section 21. Any person, firm, corporation, club or association of persons who offer for sale, or sell any of the articles enumerated herein which do not have affixed thereto stamps as required shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred (\$100.00) dollars, and not more than five hundred (\$500.00) dollars.

Section 21, was adopted.

Section 22. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction such holding shall not affect any other sections, clauses or provisions or portions of this Act which is not in and of itself unconstitutional. It is hereby declared to be the intention of the Georgia Assembly that should any portion of this Act be declared unconstitutional, the remainder shall be in full force and effect and that the Georgia Assembly would have passed this Act without such invalid portion or provision.

Section 22, was adopted.

Section 25. The funds derived from this Act are hereby allocated as follows:

Five per cent (5%) of the gross revenue received from said tax is allocated to the Commissioner of Revenue for the purpose of enforcing the provisions of this Act. The remaining ninety-five per cent (95%) of the revenue collected from the taxes herein imposed shall be allocated as follows: Thirty-three and one-third per cent (33-1/3%) to the counties of this state for the purpose of constructing and maintaining the public roads in each county. The amount to be paid to each county shall be determined as follows: In the same manner that the present gasoline tax is now distributed to each of the counties of the State except that the amount each county shall receive is to be determined by the total public road mileage in said county as determined by the State Highway Board and furnished to the

State Treasurer; thirty-three and one-third per cent ( $33\frac{1}{3}\%$ ) to the State Board of Education to be used to pay the salaries of the high school and grammar school teachers employed by the State to teach in the public school system; thirty-three and one-third per cent ( $33\frac{1}{3}\%$ ) to the Department of Public Welfare to be used by said Department in paying pensions, aid to the blind, dependent and crippled children, and maintaining the eleemosynary institutions of the State.

The following amendment to Section 25, was read and adopted:

Messrs. Williams of Bacon, Allison of Gwinnett, Lovett of Laurens, Conner of Dooly and Thigpen of Evans move to amend Section 25 of the Luxury Tax Substitute to House Bill No. 435 by striking the Section in its entirety, and substituting in lieu thereof the following:

Section 25. USE OF NET PROCEEDS FROM THE COLLECTION OF TAXES UNDER THIS ACT. Be it further enacted by the authority aforesaid that the net proceeds of the revenue derived from the taxes herein levied be and the same are hereby allocated and appropriated as follows:

One-third ( $\frac{1}{3}$ ) of the net proceeds of this tax for each fiscal year is hereby set aside in a special fund in the State Treasury to the credit of the State Board of Education to be used by said Board for the sole purpose of paying any appropriation for the fiscal year made by the General Assembly of Georgia for salaries of teachers employed by the State in the Public School System where funds are not otherwise available to pay in full such appropriation, provided that no part of such fund shall be used except to pay in full the unpaid appropriation made by law for this purpose for each fiscal year.

One-third ( $\frac{1}{3}$ ) of the net proceeds of this tax or so much thereof as may be necessary for each fiscal year is hereby set aside in special funds in the State Treasury each in the same proportion as each of the fixed sum appropriations made for paying old age pensions, for aid to the blind, for the benefit of dependent children, for the State institutions under control of the Public Welfare Department, and for the Tubercular Sanatorium at Alto bears to the total fixed sum appropriations each fiscal year for these purposes. The funds thus set aside in the State Treasury for these purposes shall be used for the sole purpose of paying any appropriation for the fiscal year made by the General Assembly of Georgia for these purposes where funds are not otherwise available to pay in full such appropriations, provided that no part of the fund shall be used except to pay the unpaid appropriations for these purposes made by law for each fiscal year.

One-third ( $\frac{1}{3}$ ) of the net proceeds of this tax is hereby allocated and appropriated to each of the several counties of the State to be distributed monthly to the fiscal authority of each county in the same manner as the present gasoline tax is now distributed, on the basis of the State aid road mileage as certified by the State Highway Department of Georgia, and from such sum allocated and appropriated to each county shall retain two-thirds ( $\frac{2}{3}$ ) of the amount received to be used for the purpose of maintaining the State Superior Court in the county and the remaining one-third ( $\frac{1}{3}$ ) of the amount received shall be paid to the County Board of Education of the county to be used for school purposes.

Provided, further, that should the amount of funds set up each fiscal year for the items of this Section be in excess of the amount needed to pay the appropriations for each fiscal year in full for the items named, the State Treasurer is hereby authorized and directed to pay into the State General Fund the amount of the funds that are in excess of the full appropriations made by law for each fiscal year.

Provided, however, the provisions for the distribution and use of the net proceeds of the tax derived under this Act, as set out in this Section, shall not become effective until after:

First: \$500,000.00 of the first net proceeds of this tax shall be set aside in a special fund in the State Treasury to the credit of the State Department of Public Welfare to be used for the sole purpose of paying any fixed sum appropriation for the fiscal year ending June 30, 1939, made by the General Assembly for the benefit of Milledgeville State Hospital where funds are not otherwise available to pay in full such appropriation, with the direction that the funds thus appropriated shall be used in liquidating the outstanding obligations of said institution.

Second: That from the first net proceeds of this tax there shall be set aside and appropriated in a special fund in the State Treasury to the credit of the State Board of Education an amount sufficient to pay in full the teachers' salaries for the year ending June 30, 1939, where funds are not otherwise available to pay in full such teachers' salaries as are now in force and effect. The funds thus provided shall be used solely for the purpose of paying teachers' salaries due for the year ending June 30, 1939, and immediately upon sufficient funds being set aside for this purpose the distribution of the net proceeds of this tax as provided in this Section shall be in force and effect.

Section 25, as amended, was adopted.

The following amendment was read and adopted:

Mr. Parker of Colquitt moves to amend the Allison Substitute for House Bill No. 435, by adding a new section thereto immediately before the repealing clause to read as follows:

"None of the provisions of this Act shall apply to agricultural or farm products or naval stores products, or forest products."

The following amendment was read:

Messrs. Evans of McDuffie, Drinkard of Lincoln, Carmichael of Cobb and Parker of Colquitt move to amend the Allison Substitute to House Bill No. 435, by adding therein, immediately before the repealing clause, to be appropriately numbered, a new section to read as follows:

Section 26. Be it further enacted that none of the provisions of this Act shall take effect until the question of its adoption is submitted to a popular vote of the people of the State of Georgia, and a majority of those voting shall vote in favor of its adoption. Said election shall be held within 15 days after approval of said Act by the governor, throughout the entire state, under the rules governing general

elections. Those citizens shall be allowed to vote who are duly qualified voters on the registration list in the various counties, and the expenses of said election shall be paid by the State of Georgia. Within five days from the holding of said election, all returns shall be forwarded to the Secretary of State, and he shall certify to the Governor the result of said election, and the Governor shall thereupon within two days issue his proclamation. In the event that a majority of those who cast their ballots in said election shall vote against the adoption of this Act, it shall not become operative; and if a majority of those who vote in said election shall vote in favor of the adoption of said Act, it shall then become operative. The ballots shall have printed thereon the words FOR LUXURY TAX and the words AGAINST LUXURY TAX, and the voter shall leave on said ballot the words indicating the way in which he wishes to vote, and shall mark thru or erase the other words.

It is the purpose and intent of this amendment not to inflict any sales tax on the people of Georgia without permitting them first to express their approval or disapproval of said Act, and then not to impose said sales tax if a majority of those voting disapprove said sales tax.

Mr. Williams of Bacon asked unanimous consent that the House adjourn at 5:30 o'clock until 9:00 o'clock tomorrow morning, and the consent was granted.

On adoption of the amendment by Mr. Evans of McDuffie and others, Mr. Bell of Grady moved the previous question.

On adoption of the amendment, Mr. Wohlwender of Muscogee moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Ansley	English	Maxwell
Barlow	Etheridge of Baker	Middleton
Barrett	Evans of McDuffie	Mills
Blease	Ferguson of Camden	Mosely
Bloodworth	Ford	Moss
Bush	Forrester of Crisp	Parham
Carmichael of Butts	Forrester of Dade	Parker
Carmichael of Cobb	Fowler of Douglas	Pierce
Clements of Marion	Franklin of Polk	Pilcher
Cobb	Greene	Ragan
Connell	Guyton	Rawlins
Culpepper of Fayette	Harden	Sams
Dallis	Hatchett	Smiley
Davidson	Hinson	Strickland of Haralson
Davis of Coweta	Joel	Sumner
DeFoor	Johnson	Thornton
Drinkard	Jones of Brantley	Vickery
Easley	Jones of Paulding	Wages
Edwards of Lowndes	King	Wohlwender
Edwards of Taylor	Marshall	

Those voting in the negative were Messrs.:

Aiken	Douglass	McBride
Allison of Gwinnett	Drake	McCracken
Allison of White	Ennis, J. H.	McDaniel
Almand	Ennis, Marion	McGraw
Atkinson	Etheridge of Houston	McNall
Bell	Evans of Laurens	Merritt
Bennett of Clarke	Ferguson of Sumter	Moore of Lumpkin
Bennett of Ware	Foster	Moore of Taliaferro
Binion	Franklin of Bulloch	Morgan
Blackshear	Gaines	Pharr
Boyd of Cook	Gavin	Purdy
Boyd of Greene	Gill	Rogers
Branch	Goddard	Roughton
Bray	Gowen	Rountree
Brooks of Jackson	Graham	Sanders
Brooks of Oglethorpe	Grayson	Sartain
Bynum	Grice	Scott
Candler	Griffin	Stiles
Carter	Gross of Stephens	Strickland of Pierce
Chappell	Gross of Washington	Swindle
Cheney	Harrison of Crawford	Tate
Clary	Herndon	Terrell
Claxton	Hill	Thigpen of Evans
Clements of Calhoun	Holtzendorff	Tipton
Clements of Wheeler	Howard	Trippe
Conner	Jackson	Turner
Coogler	Jones of Richmond	Warren
Cook	Kaigler	Whipple
Corbett	Kennedy	Whitaker
Culpepper of Mitchell	Key	Wiggins
Curry	Lanham	Williams of Bacon
Daughtry	Lanier	Williams of Ware
Davis of Floyd	Lewis	Wright
Dean	Looper	Yawn
Dickerson	Lovett	
Dockery	Mason	

Those not voting were Messrs.:

Allen	Elliott	Harrison of Jenkins
Beck	Etheridge of Fulton	Harvey
Bruce	Flanders	Hayes
Campbell	Fowler of Treutlen	Henderson
Carrington	Goolsby	Kelley
Clark	Hardman	Kendrick

Kimbrough	Rossee	Summerour
Mankin	Sabados	Thigpen of Glascock
Miller	Sapp	Tippins
Pannell	Saunders	Tomlinson
Preston	Simmons	Wells
Rees	Smith of Henry	Yeomans
Reid	Smith of Schley	

By unanimous consent, verification of the roll call was dispensed with.

On the adoption of the amendment, the ayes were 59, the nays 106.

The amendment was lost.

Section 26. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 26, was adopted.

Mr. McBride of Montgomery moved that the bill and all amendments be indefinitely postponed, and the motion was lost.

Mr. Rawlins of Telfair moved that the House do now adjourn until 9:00 o'clock tomorrow morning, and the motion was lost.

The following Substitute to House Bill No. 435, offered on the floor of the House, was taken up for consideration and read:

By Mr. Jones of Brantley—

#### A BILL TO BE ENTITLED

An Act to levy a transaction tax upon every transaction within this State having for its consideration money or any other thing of value and upon the use, consumption and storage for use within this State of anything of value; to provide means and methods of paying said tax and the collection thereof; to provide penalties for the violation of said Act; to authorize the State Revenue Commissioner to make rules and regulations to enforce the provisions of said Act and to confer upon him power to collect said tax and the means by which same may be collected; and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by the authority of same that from and after the passage of this Act as follows, to-wit:

(1) There is hereby levied in addition to all other taxes upon every transaction within this State or respecting property located within this State having for its consideration money or any other thing of value, and for the use, consumption, storage for use or consumption for use within this State a tax of one-half of one per cent of the consideration for such transactions.

(2) The tax herein levied is hereby assessed against the person receiving the money or other valuable consideration from said transactions or upon the person receiving any article or thing of value for use, consumption, or storage for use or consumption within this State.

(3) The tax due under the provisions of this Act shall be paid at least monthly by the person against whom same is levied to the State Revenue Commissioner and returns thereof made upon forms to be supplied by the Revenue Commissioner and in accordance with the rules and regulations promulgated by him.

(4) No deed or other instrument in writing required by the law of Georgia to be recorded in any office of any Clerk of the Superior Court or other official of any county or of this State shall be admitted to record unless the same bears evidence of the payment of the tax herein levied in advance of the same being presented for recordation, and no note or other evidence of indebtedness shall be collectible in any of the Courts of this State unless and until the same shall bear evidence that the tax herein levied on the transaction in which the same is involved has been paid in full and the transfer of the shares of stock in any corporation of this State or any other corporation shall not be legal or valid unless and until the same bears evidence of the payment of the tax herein levied in full, and any article of personal property sold, used, consumed or stored for use or consumption in this State must have attached or affixed thereto a stamp showing that the tax herein levied has been paid, where the personal property is of such a nature capable of having a stamp affixed thereto under the rules and regulations of the State Revenue Commissioner.

(5) Any person failing to pay the tax herein levied as provided herein shall be guilty of a misdemeanor and punished as such.

(6) The State Revenue Commissioner shall have authority to make rules and regulations for the enforcement of the provisions of this Act and shall have authority to issue executions for all taxes due and payable under the provisions of this Act and the person against whom the assessment is made and against whom the execution is issued shall have the right to file an affidavit of illegality and the right of appeal as provided by law.

(7) Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and punished as prescribed by the Code of Georgia in misdemeanor cases.

Section 2. All laws and parts of law in conflict with this Act be and the same are hereby repealed.

Mr. Jones of Brantley asked unanimous consent that the Substitute be withdrawn, and the consent was granted.

The following Substitute to House Bill No. 435, offered on the floor of the House was taken up for consideration.

Mr. Forrester of Crisp moved that the Substitute be taken up section by section and item by item, and the motion prevailed.

By Messrs. Lanham and Davis of Floyd, Harris, Lanier and Jones of Richmond, Gross of Stephens, Merritt and Grice of Bibb, Trippe of Polk, Lewis of Burke, Corbett of Atkinson, Dean of Rockdale, Marion Ennis of Baldwin, Swindle of Berrien, Cook of Chattooga, Gross and Roughton of Washington, Fowler of Treutlen, Sartain of Walker, Herndon of Hart, Clements of Wheeler, Daughtry of Wilkinson, Harrison of Crawford, Whipple of Bleckley and Thigpen of Glascock.

#### A BILL

To be entitled an Act to provide for the raising of additional public revenue by imposing a tax of four (4%) per cent upon sales of luxuries and non-essentials; to provide for the ascertainment, assessment and collection of said tax, and for penalties for the violation of the terms of this Act.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same;

Section 1. This Act shall be known as "Special Tax of Luxuries or Non-Essentials."

The following Communication was submitted, ordered filed and printed:

#### COMMUNICATION NO. 24

March 7, 1939.

Hon. Roy Harris,  
House of Representatives,  
Atlanta, Ga.

Mr. Speaker:

RE: Economy-Efficiency House Resolution No. 9.

As to the recommendation of this Committee made on January 27, 1939, communication No. 4, there was afterwards submitted to this Committee by Mr. Warren Neel, Director of Post Roads Division, a status and compilation of figures for the purpose of showing that the figure of 9.19 per cent for administration and the figure of 19.02 per cent for supervision, were incorrect. Whereupon, this Committee called Mr. C. F. Bond, Statistician for the State Highway Board of Georgia, and Honorable W. L. Miller, Chairman of State Highway Board of Georgia, and requested that the "Status Report of the Post Roads Division" and the compilation as submitted by the Director of the Post Roads Division be studied, and this Committee be advised by letter as to each and every item of the figures and comments submitted by the Director of the Post Roads Division in his Status Report of the Post Roads Division.

On February 10, 1939, we received from Mr. C. F. Bond, Statistician of the Highway Board of Georgia, a communication in which he again verified the correctness of the administrative cost of the Post Roads Division to be 9.19 and the cost

of supervision to be 19.02. Thereupon we called upon the State Auditor, Honorable Zach Arnold, to verify the percentage to total cost of the various activities—administration, supervision and equipment—of the Post Roads Division, and to carefully examine the figures in the audit report of June 30, 1938, and the figures submitted by the Highway Accounting Division to the close of December, 1938, and the Status Report as submitted by the Director of the Post Roads Division, Mr. Warren Neel, and the letter of February 10, 1939, and the figures therewith submitted by the Statistician of the State Highway Board of Georgia.

On February 28, 1939, Honorable Zach Arnold, State Auditor, sent a communication to this Committee. Hereto attached is the communication of February 28, 1939, from Zach Arnold, State Auditor; the communication of February 10, 1939, from C. F. Bond, Statistician; the communication from Mr. Warren Neel, Director of the Post Roads Division, headed "Status Report of Post Roads Division" Mr. Arnold, State Auditor, stated to this Committee that the figures as shown in the letter of February 10, 1939, from C. F. Bond, are correct.

In view of the fact that the figures submitted by Mr. Miller, on which we based our recommendation, have been verified as we now set out, we therefore reaffirm our position and strongly recommend that legislation be immediately passed carrying out our former recommendation.

Respectfully submitted,

Economy and Efficiency Committee, House Resolution No. 9,  
 Wilmer D. Lanier, Chairman,  
 James V. Carmichael, Vice-Chairman.

Attest:

J. H. Duggan, Jr., Secretary.

Department of Audits  
 Zach Arnold, State Auditor  
 State Capitol, Room 115  
 Atlanta

February 28, 1939.

Hon. Wilmer D. Lanier, Chairman  
 House Economy Committee,  
 State Capitol,  
 Atlanta, Georgia

Dear Sir:

As requested, in order to verify the percentage to total cost of the various activities—administration, construction, supervision and equipment—of the Post Roads Division, I made a careful examination of the figures, both in our audit reports to June 30, 1938, and of the figures submitted by the Highway Accounting Division to the close of December, 1938, (not audited) and find the costs and percentages to be as follows:



\$207,481.37 was used as amount of personal services as shown on page 79 of State Auditor's Report, because the \$204,481.37 included pay of personnel on jobs other than Post Roads but the personnel cards on which salaries both on Highway work and Post Road work were entered were in the Post Roads group of cards added at June 30. There is no discrepancy. The pay of those on highway work, when deducted, leaves the figures on which all percentages and costs for Post Road Division were based.

I hope you will find the foregoing statements make clear to you that there are no discrepancies.

Very truly yours,

ZA:mmn

Zach Arnold, State Auditor.

State Highway Board of Georgia

General Offices

Atlanta

Subject

W. L. Miller, Chairman  
Atlanta, Georgia

Jim Gillis, Member  
Soperton, Georgia

Herman H. Watson, Member  
Dallas, Georgia

F. P. Vanstory, Sec. and Treas.  
Atlanta, Georgia

E. A. Stanley,  
State Highway Engineer

W. R. Neel,  
Director of Post Roads Division

O. T. Ray,  
Director Highway Planning Survey

W. Glenn Thomas,  
Chief Counsel

February 10, 1939.

Honorable W. D. Lanier, Chairman,  
House Economy Committee,  
State Capitol,  
Atlanta, Georgia.

Since appearing before the House Economy Committee on Thursday, February 9, 1939, and as directed by said committee, I herewith submit the following:

Exhibit "A"—Status Report of Post Roads Division. (This report furnished the writer by the House Economy Committee.)

Exhibit "B"—Copy of letter, with attached copies of statements of disbursements and expenditures of Post Road Division, dated January 26, 1939, to Honorable W. L. Miller, Chairman, State Highway Board of Georgia.

Exhibit "C"—Schedule of partial list of employees of Post Roads Division, showing salaries and expenses.

## 1. Status Report of Post Roads Division.

The percentages shown in paragraph two, line 3, of the above report are in agreement with the figures shown in Exhibit "B," page one, under the heading Total Disbursements, Calendar Year 1938.

The amount \$1,334,784.17 and the percentages shown in paragraph four of the above report are in agreement with the figures shown in Exhibit "B" page two, under the heading Total Expenditures Including County and WPA Contract Participation, 1938.

An explanation of the captions used on these reports Total Disbursements in page No. 1 and Total Expenditures in page No. 2, Exhibit "B" are as follows:

The Disbursement figures used on page No. 1 are the Actual Cash Disbursements, whereas the Total Expenditures used on page No. 2 are inclusive of the total amount of work done, which includes county and WPA participation for which no actual cash disbursement is made. The county and WPA participation being entered on the records of the State Highway Board of Georgia as a credit to the county which performs the work.

On page No. 2 of Exhibit "A" a statement is made that the Accounting Department was in error in making certain charges to the Post Roads Division, which statement I find incorrect and is proven by a comparison with Exhibit "C" which shows the salaries and expenses of certain employees charged to the Post Roads Division as reflected by the records of the State Highway Board of Georgia.

Further the totals of salaries and expenses shown on page No. 3, Exhibit "A" are incorrect as will be noted by a comparison with the total personal services of Post Roads (\$144,986.57) shown on page 14 of the State Auditor's Report, and travel expense of Post Roads (\$27,158.69) shown on page 15 of the State Auditor's Report.

The discrepancy of the total personal services (\$207,481.37) shown on page 79 and total personal services (\$144,986.57) shown on page 14 of the State Auditor's Report is explained in the paragraph on page 21 of same report which reads: "Personal services, detailed in following pages, under the system of accounting, cover services (for those employed the whole time) from June 1, 1937, to June 15, 1938."

The cost from organization through December, 1938, shown on page 3, Exhibit "A" also the next three tabulations on page 4 cannot be verified by the records of the Accounting Department of the State Highway Board as of December 31, 1938, since these tabulations apparently include sums earned on statements for the month of December and likewise include salaries earned for the semi monthly payrolls ending December 31, 1938, and travel expenses for the month of December, 1938.

Under the system of handling accounts the monthly statements of amounts earned for any month do not normally reach the Accounting Department until after the last day of the month, therefore cannot be posted as expenditures on the

records as of the closing date for the month. The same condition exists in handling payrolls and expense accounts of employees, therefore it is evident that when such sums earned on monthly statements, and the salaries and expense, not paid during the month of December, are deducted from the amounts shown in cost schedule on page 3, Exhibit "A" the percentages will change and will be more nearly comparable with the percentages shown on page No. 2, Exhibit "B" under the heading Total Expenditures, Since Organization to December, 1938.

2. Letter of Transmittal, With Attached Statement of Disbursements and Expenditures, and Commentary.

Upon request of Honorable W. L. Miller, Chairman, State Highway Board of Georgia, the writer prepared a schedule of Total Disbursements Post Roads Division Calendar Year 1938 and Total Disbursements Post Roads Division Since Organization to December 31, 1938, also schedule of Total Expenditures Post Roads Division Including County and WPA Contract Participation 1938 and Total Expenditures Post Roads Division Including County and WPA Contract Participation Since Organization to December, 1938, as reflected by records of the Accounting Department; which are attached to Exhibit "B" and referred to as page No. 1 and page No. 2 respectively. An explanation of the captions Total Disbursements and Total Expenditures is found in one of the preceding paragraphs of this communication.

The figure \$55,123.58 shown on page No. 2, Exhibit "B" as a potential savings is arrived at by multiplying the construction expenditure \$1,334,784.17 by the difference between the comparative percentages of Post Roads supervision 9.83% and Highway Department supervision 5.70% or 4.13% (\$1,334,784.17 by 4.13%). Also the figure \$91,899.21 shown on page No. 1, Exhibit "B" as a potential savings is arrived at by multiplying the construction disbursement \$689,843.02 by the difference between the comparative percentages of Post Roads supervision 19.02% and Highway Department supervision 5.70%, or 13.32% (\$689,843.02 by 13.32%). The potential savings shown in other schedules of Exhibit "B" are figured in a like manner.

As will be noted on page 3, Exhibit "B" there are some administrative expenses of the State Highway Board of Georgia, which under the present system of accounts are charged to the Highway Department, in the amount of \$219,543.55.

On a basis of total expenditures of the Highway Department and Post Roads Division for period ending June 30, 1938, the expenditures for the Post Roads Division was 1.77% of the total expenditures of the State Highway Board, and should a pro rata share of administrative expenditures (\$219,543.55) be charged to the Post Roads Division would amount to \$38,859.20 additional administrative expenditures, which is not now charged to the Post Roads Division. Since no instructions have been issued relative to the distribution of this administrative expense, on a pro rata basis to the Post Roads Division, the entire amount is charged to the Highway Department of the State Highway Board.

3. Schedule of Partial List of Employees of Post Roads Division, Showing Salaries and Expenses.

The schedule of employees marked Exhibit "C" is self explanatory in that it reflects the actual charges to Post Road Division of certain employees, listed in Exhibit "A", as shown by the records of the Accounting Department, which information was available to the State Examiners at the time of the audit or examination.

It is stated in the second paragraph in page 5 of Exhibit "A" that the salaries and travel expenses of Post Roads Division for fiscal year ending June 30, 1938, as shown by State Auditor's report, included April, May and June, 1937, or a fifteen month period; whereas a careful examination reveals that the period covered by audit report for year ended June 30, 1938, shown on page 21, to be from June 1, 1937. to June 15, 1938, resulting in this report some employees being paid for twelve and one half months. Also an audit report for Post Roads Division for half year ended June 30, 1937. shows a list of employees with personal services and travel expenses, ended June 30, 1937.

The total of expenditures as shown by the audit report for Post Road Division, for half year ended June 30, 1937, and that amount shown as expenditures in audit report for Post Roads Division, for year ended June 30, 1938, or a total of \$477,005.60 is identical with that amount shown on page 272 of the Seventeenth Report of the State Highway Board of Georgia to the General Assembly of Georgia for the fiscal years ending June 30, 1937, and June 30, 1938.

I trust that the foregoing explanation and statements will be sufficient to substantiate any discrepancies of the attached exhibits, I remain,

Sincerely,

State Highway Board of Georgia,  
By C. F. Bond, Statistician.

CFB:JH

cc—Honorable W. L. Miller, Chairman.  
cc—O. G. Glover, Secretary-Treasurer.

#### EXHIBIT "B"

January 26, 1937.

Hon. W. L. Miller, Chairman,  
State Highway Board of Georgia,  
Atlanta, Georgia.

Dear Sir:

Attached hereto are revised statements of disbursements and expenditures of the Post Road Division for the calendar year 1938 and since organization to December 31, 1938, as reflected by the records of the Accounting Department.

Also attached is a commentary on the comparative percentages of disbursements and expenditures, with the Highway Department expenditures, as outlined by you.

Yours very truly,

State Highway Board of Georgia,  
By C. F. Bond, Statistician.

CFB:RB

**TOTAL DISBURSEMENTS**  
**Post Roads Division**  
[www.libtool.com.cn](http://www.libtool.com.cn)  
**Calendar Year 1938**

Account	Disbursement	Pct. to Total
Surveys and Plans .....	\$ 137,900.05	14.80
*Construction .....	689,843.02	74.05
Equipment Purchases .....	18,253.50	1.96
Administration .....	85,522.03	9.19
<b>Total Actual Disbursements .....</b>	<b>\$ 931,518.60</b>	<b>100.00</b>

\* Note: Supervision cost included in above construction cost is 19.02 per cent; supervision cost on Highway Department construction was, last fiscal year, 5.70 per cent, the difference representing a potential savings of \$91,899.21 if the Highway Department's average cost had prevailed.

**TOTAL DISBURSEMENTS**  
**Post Roads Division**  
**Since Organization to December 31, 1938**

Account	Disbursement	Pct. to Total
Survey and Plans .....	\$ 192,275.12	18.49
*Construction .....	695,357.28	66.86
Equipment Purchases .....	35,065.53	3.37
Administration .....	117,230.83	11.28
<b>Total Actual Disbursements .....</b>	<b>\$1,039,928.76</b>	<b>100.00</b>

\* Note: Supervision cost included in above construction cost is 19.14 per cent; supervision cost on Highway Department construction was, last fiscal year, 5.70 per cent, the difference representing a potential savings of \$93,456.02, if the Highway Department's average cost had prevailed.

**TOTAL EXPENDITURES**  
**Post Roads Division**  
**Including County and W. P. A. Contract Participation**  
**1938**

Account	Disbursement	Pct. to Total
Surveys and Plans .....	\$ 137,900.05	8.75
*Construction .....	1,334,784.17	84.67
Equipment Purchases .....	18,253.50	1.16
Administration .....	85,522.03	5.42
<b>Total Expenditures .....</b>	<b>\$1,576,459.75</b>	<b>100.00</b>

\* Note: Supervision cost included in above construction cost is 9.83 per cent; supervision cost on Highway Department construction was, last fiscal year, 5.70 per cent, the difference representing a potential savings of \$55,123.58, if the Highway Department's average cost had prevailed.

**TOTAL EXPENDITURES****Post Roads Division**

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**Including County and W. P. A. Contract Participation  
Since Organization to December, 1938**

<b>Account</b>	<b>Disbursement</b>	<b>Pct. to Total</b>
Surveys and Plans .....	\$ 192,275.12	11.41
*Construction .....	1,340,298.43	79.55
Equipment Purchases .....	35,065.53	2.08
Administration .....	117,230.83	6.96
<b>Total Expenditures .....</b>	<b>\$1,684,869.91</b>	<b>100.00</b>

\* Note: Supervision cost included in above construction cost is 9.93 per cent; supervision cost on Highway Department construction was, last fiscal year, 5.70 per cent, the difference representing a potential savings of \$56,694.62, if the Highway Department's average cost had prevailed.

The administrative cost of the Post Road Division for the calendar year 1938 not including county contract participation as shown by the attached is 9.19% or \$85,522.03, which if compared to the administrative percentage of the Highway Department for the fiscal year 1937-38 of 1.857% of total disbursements of \$931,518.60 or \$17,298.30 would effect a difference of \$68,223.73.

The Post Roads Division has not been charged with any pro rata part of the following administrative expenses now charged to the Highway Department, which for the fiscal year 1937-38 were as follows:

Commissioners .....	\$ 41,682.86
Accounts .....	58,178.13
Statistics .....	11,495.75
Purchasing .....	18,397.04
Collection of Revenue .....	89,789.77
<b>Total .....</b>	<b>\$219,543.55</b>

The total expenditures of the Highway Department for the fiscal year 1937-38 amounted to \$26,537,334.41, and for the same period the expenditures of the Post Roads Division, including county contract participation, were \$477,005.60. The percentage of Post Roads expenditures therefore is 1.77% of the total expenditures. The administrative expenses of \$219,543.55 now charged to the Highway Department which if prorated on the above basis of 1.77% would amount to \$38,859.20.

The total estimated cash participation for construction work of the Post Roads Division is as follows:

<b>Participation</b>	<b>Amount</b>
State .....	\$ 965,200.22
Federal .....	473,773.00
<b>Total .....</b>	<b>\$1,438,973.22</b>

## EXHIBIT "C"

(From the records of the Accounting Department of the State Highway Board of Georgia.)

Name of Employee	Personal Services	Travel Expenses
Adams, L. J. ....	\$	\$
Adams, Ludlow C. ....	676.62	161.60
Ansley, R. B. ....	77.42	
Barfield, E. H., Jr. ....	85.00	
Bearden, J. T. ....	38.39	
Beck, C. P. ....	2,012.50	873.80
Beeland, Sidney ....	16.93	
Blitch, T. N. ....	150.00	28.35
Breen, R. M. ....	56.45	
Cartee, W. H. ....	140.00	35.10
Chambliss, Roy L. ....	100.00	
Council, E. B., Jr. ....	225.00	84.75
Crowell, T. A. ....	60.97	
Domingas, J. M. ....	145.00	48.75
Douglass, W. O. ....	135.00	
Duncan, George A., Jr. ....		
Fitten, J. T., Jr. ....	229.17	58.15
Folsom, Sidney ....	33.87	
Hitchcock, C. O. ....		
Hutcheson, A. V., Jr. ....	102.50	
Ingram, G. M. ....	137.50	
Jones, Howell ....	137.50	
Jones, Philip ....	75.00	2.95
Larus, Tommy ....	75.00	
Lee, Franklin ....	125.00	26.35
Leverette, W. E. ....	72.26	15.60
McLendon, W. A. ....	32.00	
Marshall, J. T., Jr. ....		
Mathis, Donald Q. ....	318.07	166.55
Merriam, Lucius ....		
Morrow, W. L. ....	270.00	42.30
Mozley, J. H. ....	75.00	
Outland, W. A. ....	160.00	24.20
Page, H. S., Jr. ....	40.65	10.69
Paulk, W. W. ....	102.50	
Petty, Ed. ....	29.03	20.25
Phelps, W. E. ....	52.42	
Poe, A. J., Jr. ....	331.45	
Price, Joe ....		
Prude, Alonzo B. ....	185.00	55.30
Simpson, J. R. ....	33.87	
Stephens, B. F. ....	75.00	

Stover, Ray .....	102.50	
Thrash, J. L. ....	2,503.23	796.88
Tipton, Gerald .....	33.87	
Ward, W. C. ....	170.83	
West, J. G. ....	229.17	
Whigham, W. D. ....	1,102.01	60.85
White, A. P. ....	366.67	39.90
Winstead, C. S. ....		
Word, Phillip .....		
Wright, M. O. ....		
Totals .....	<u>\$11,120.35</u>	<u>\$ 2,552.32</u>

Note: The above are amounts, according to the records of the Accounting Department of the State Highway Board of Georgia, of salaries and expenses of the above named employees as charged against the Post Road Division as of June 30, 1938.

#### EXHIBIT "A"

#### STATUS REPORT OF POST ROADS DIVISION

The figures quoted in the Atlanta Journal of recent date from information compiled by the Accounting Department of the State Highway Department and furnished to the Economy Committee by Mr. W. L. Miller, Chairman of the State Highway Board, did not represent the true facts regarding the Post Roads Division.

The Journal quoted the Committee as saying that the figures submitted by Mr. Miller showed the administration cost of the Post Roads Division to be 9.19 per cent and the cost of supervision to be 19.02 per cent.

When I read those figures in the paper, I conferred with the Accounting Department, after receiving authority from Mr. Miller to do so, and was furnished a copy of the figures prepared by them and furnished Mr. Miller.

One of the three pages of this report showing the 9.19 per cent for administration and 19.02 for supervision included ALL of the expenses of supervision and administration for completed work to the value of \$1,334,784.17. but gave the Post Roads Division credit for the supervision of only \$689,843.02, about one half of the completed work for which the Post Roads Division had actually furnished surveys, plans, specifications, supervision and had administered.

There was another sheet showing the \$1,334,784.17 of completed work and this sheet showed 5.42 per cent for administration and 9.83 per cent for supervision. This was nearer the true picture with the inaccurate figures they were using.

In checking the charges against the Post Roads Division, from the records of the Accounting Department of the State Highway Department as shown in the auditor's report, I find that the Post Roads Division, for the fiscal year, has been overcharged by \$47,119.32, for salaries and \$5,800.40 for expenses.

This error was made by the Accounting Department charging to the Post Roads Division the full twelve months for men transferred to this department from the State Highway Department, whereas, in some instances these men were actually with the Post Roads Division two weeks of the year, as shown in the following tabulation:

**Correction of Salaries and Expenses of Employees Transferred From  
Other Divisions of the State Highway Department to the Post  
Roads Division for the Fiscal Year Ending June 30, 1938.**

Name of Employee	Time Months	From Report of Examination by State Auditor for Year Ending June 30, 1938.		Salary and Expenses for Time Actually With the Post Roads Division.		
		Personal Services	Travel Expenses	Time Months	Personal Services	Travel Expenses
Adams, L. J.....	7	\$ 517.50	\$		\$	\$
Adams, Ludlow C.....	11	1,663.72	161.60	5 ½	851.60	161.60
Ansley, R. B.....	12	1,740.00	455.65	1 ½	150.00	26.15
Barfield, E. H., Jr.....	12	1,020.00		2	170.00	
Bearden, J. T.....	12	1,077.74		1 ½	123.39	
Beck, C. P.....	12	2,087.50	873.80	12	2,087.50	873.80
Beeland, Sidney.....	12	900.00		1 ½	91.94	
Blitch, T. N.....	9	1,350.00	199.39	2	300.00	61.95
Breen, R. M.....	8 ½	1,018.95	16.70	1 ½	181.45	16.70
Cartee, W. H.....	12	1,610.00	405.30	2	280.00	52.75
Chambliss, Roy L.....	12	1,200.00	188.97	2	200.00	
Council, E. B.....	12	1,800.00	412.89	2 ½	375.00	137.90
Crowell, T. A.....	12	1,620.00	531.36	1 ½	195.97	44.45
Domingos, J. M.....	12	1,737.00	520.41	2	290.00	93.95
Douglass, W O.....	12	1,620.00	339.45	2	270.00	122.66
Duncan, Geo. H., Jr....	10	750.00		1	75.00	
Fitten, J. T.....	10	1,274.19	58.15	3	354.17	58.15
Folsom, Sidney.....	8	583.23		1 ½	108.87	
Hitchcock, C. O.....	7	667.74	170.34	1	90.00	17.23
Hutcheson, A. V., Jr...	9	675.00		2 ½	177.50	
Ingram, G. M.....	12	900.00		3	212.50	
Jones, Howell.....	8	600.00		3	212.50	
Jones, Phillip.....	12	900.00		2	150.00	
Larus, Tommy.....	12	875.00		2	150.00	
Lee, Franklin.....	12	1,500.00	296.97	2	250.00	61.40
Leverette, W. B.....	12	1,850.67	449.53	1 ½	232.26	54.10
McLendon, W. A.....	12	1,832.00	241.70	½	112.00	14.00
Marshall, J. T., Jr.....	12	1,625.00	142.10	1	150.00	17.76
Mathis, Donald Q.....	12	1,143.07	168.80	4	400.00	168.80
Merriam, Lucius.....	9 ½	717.77		½	27.50	
Morrow, W. L.....	12	1,610.00	265.05	3	405.00	58.35
Mozley, J. H.....	9 ½	723.39		2	150.00	

Name of Employee	Time Months	Personal Services	Travel Expenses	Time Months	Personal Services	Travel Expenses
Outland, W. A.	12	1,910.00	553.05	2	320.00	78.45
Page, S. H., Jr.	12	1,080.00	131.69	1½	130.64	48.03
Paulk, W. W.	12	900.00		2½	177.50	
Petty, Ed.	12	1,200.00	415.55	1	100.00	72.93
Phelps, W. E.	9	1,125.00	101.40	1½	177.40	
Poe, A. J., Jr.	12	900.00		5½	406.45	
Price, Joe	7	551.61		1	75.00	
Prude, Alonzo B.	12	2,220.00	492.35	2	370.00	113.40
Simpson, J. R.	8	605.00		1½	108.85	
Stephens, B. F.	8	585.48		2	150.00	
Stover, Ray	11	812.90		2½	177.50	
Thrash, J. L.	12	2,300.00	754.60	12	2,300.00	754.60
Tipton, Gerald	9	652.50		1½	108.87	
Ward, W. C.	10½	1,302.43	.75	2½	295.83	.75
West, J. G.	6	787.50		3	354.17	
Whigham, W. D.	10½	1,102.01	60.85	10½	1,102.01	60.85
White, A. P.	12	2,406.45	397.06	3	566.67	48.85
Winstead, C. S.	7½	1,315.32	100.90	1	175.00	9.80
Word, Philip	12	1,320.00	123.40	½	36.67	
Wright, M. O.	6½	450.49		½	36.67	
Totals		\$62,716.15	\$ 9,029.76		\$15,993.38	\$ 3,229.36

## Salaries

Auditor's Report .....	\$62,716.15
From Payrolls .....	15,993.38
Overcharge .....	46,722.77

## Expenses

Auditor's Report .....	\$ 9,029.76
Actual Expenses .....	3,229.36
Overcharge .....	5,800.40

	Salaries	Expenses	Total
Auditor's Report .....	\$207,481.37	\$ 36,045.34	\$234,526.71
Overcharge .....	46,722.77	5,800.40	52,423.17
Correct .....	160,758.60	30,244.94	191,003.54

When these errors are corrected and the Post Roads Division given credit for the true amount of completed work for which we have furnished surveys, plans and supervision, there is shown the following cost of operation which illustrates a gradual reduction of administration and supervision cost as the work progresses:

## Cost From Organization Through December, 1938

Construction (Monthly Statements) .....	\$1,458,955.06
Construction Supervision .....	126,493.36 or 8.67%
Sub-total .....	\$1,585,448.42
	82.7%

Testing .....	4,397.99	0.2
Surveys and Plans .....	179,680.89	9.4
Equipment Purchases .....	35,065.53	1.8
Administration .....	112,666.24	5.9
<b>Total .....</b>	<b>\$1,917,259.07</b>	<b>100.0%</b>

Note: This includes nine months of 1937 (organization period) when no construction was under way.

#### Cost From January, 1938, Through December, 1938

Construction (Monthly Statements) .....	\$1,431,034.18	
Construction Supervision .....	125,108.14	or 8.74%
<b>Sub-total .....</b>	<b>\$1,556,142.32</b>	<b>87.0%</b>
Testing .....	4,237.99	0.2
Surveys and Plans .....	132,223.00	7.4
Equipment Purchases .....	17,153.50	1.0
Administration .....	79,015.77	4.4
<b>Total .....</b>	<b>\$1,788,722.58</b>	<b>100.0%</b>

Note: Construction began in January of this year, 1938, but was very light until June.

#### Cost From July 1, 1938, Through December, 1938

Construction (Monthly Statements) .....	\$1,115,979.84	
Construction Supervision .....	86,268.18	or 7.73%
<b>Sub-total .....</b>	<b>\$1,202,248.02</b>	<b>91.6%</b>
Testing .....	3,739.76	0.3
Surveys and Plans .....	61,022.76	4.6
Equipment Purchases .....	1,100.00	0.1
Administration .....	44,245.23	3.4
<b>Total .....</b>	<b>\$1,312,355.77</b>	<b>100.0%</b>

Note: Construction was well under way the last six months of 1938 as is indicated by the reduction of the percentage of both Administration costs and construction supervision costs.

#### Cost of December, 1938

Construction (Monthly Statements) .....	\$ 255,873.06	
Construction Supervision .....	16,420.34	or 6.42%
<b>Sub-total .....</b>	<b>\$ 272,293.40</b>	<b>93.8%</b>
Testing .....	859.79	0.3
Surveys and Plans .....	9,371.12	3.2
Equipment Purchases .....	0.00	0.0
Administration .....	7,790.65	2.7
<b>Total .....</b>	<b>\$ 290,314.96</b>	<b>100.0%</b>

You will note that for the month of December, 1938, the administration cost has dropped from 5.9 per cent (this includes the nine months organization period of 1937 when no construction was completed) to 2.7 per cent and the supervision cost from 8.67 per cent to 6.42 per cent.

The administration per cent of the Post Roads Division will decrease as the volume of construction increases but the construction supervision percentage will remain at approximately 6.42 per cent, slightly more than the amount shown for the last fiscal year of the Highway Department, which is 5.7 per cent.

The engineering supervision of the low cost type of projects handled by the Post Roads Division will necessarily be more in percentage than the engineering supervision cost of the more expensive projects handled by the Highway Department.

I wish to call your attention to the fact that the State Auditor's report showing the salaries and travel expenses for the General Office, the seven divisions of the State Highway Department and the Post Roads Division for the fiscal year ending June 30, 1938, includes April, May and June, 1937, for the Post Roads Division and is, therefore, for a fifteen month period and when the error in charges is deducted from the Post Roads Division and added to the seven divisions of the State Highway Department, the \$207,481.37, as shown in the report for this fifteen month period, actually will be \$160,758.60 for salaries and the \$36,045.34 for travel expense will actually be \$30,244.94, making a total of \$191,003.54, chargeable to the Post Roads Division for travel and salaries for the fifteen month period after deducting the \$52,523.17 error. This total includes general office and division salaries and travel expenses operating in 159 counties of the State.

The Post Roads Division has completed 224 surveys with a total mileage of 1093.86. The average length of each project is 4.88. Surveys have been made in every county in the State—159. There has been completed 38 projects and there are now under construction 121 projects.

**Salaries and Travel Expenses of General Office, Seven Divisions and  
Post Roads Division, Period Ending June 30, 1938, as Shown in State  
Auditor's Report, With Corrections of Post Roads Statement.**

	Active Projects	Salaries	Travel Expense	Total
General Office .....		\$410,130.00	\$ 28,098.00	\$438,228.00
First Division .....	47	249,595.00	28,918.00	278,513.00
Second Division .....	41	202,537.00	23,426.00	225,963.00
Third Division .....	38	156,165.00	22,629.00	178,794.00
Fourth Division .....	30	191,545.00	26,091.00	217,636.00
Fifth Division .....	50	232,200.00	35,092.00	267,292.00
Sixth Division .....	56	214,204.00	26,987.00	241,191.00
Seventh Division .....	39	260,439.00	36,072.00	296,511.00

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\$2,144,128.00

Post Roads .....	121	\$207,481.37	\$ 36,045.34	\$243,526.71
*Post Roads Corrections		46,722.77	5,800.40	52,523.17
Correct Charges .....		160,758.60	30,244.94	191,003.54
				\$ 191,003.54

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\* Note: The \$52,523.17 correction of the Post Roads charges must be subtracted from the total charged in this department as shown in the Auditor's Report and charged to the divisions.

State Highway Department, Distribution of Post Roads Division Dollar

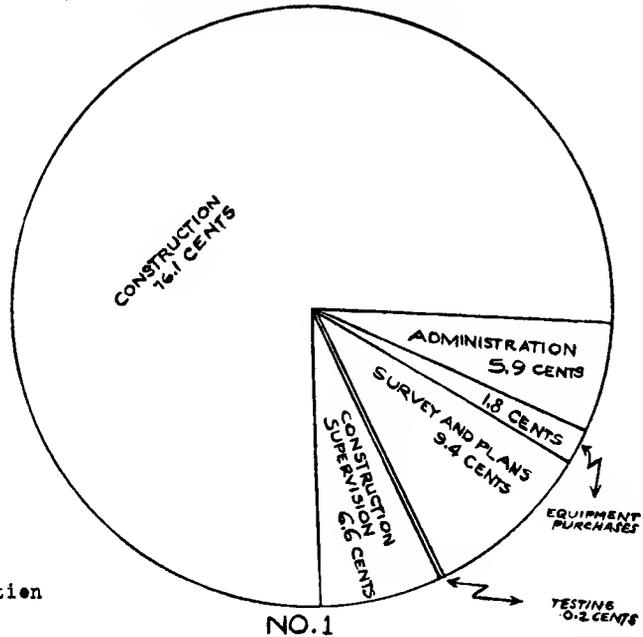
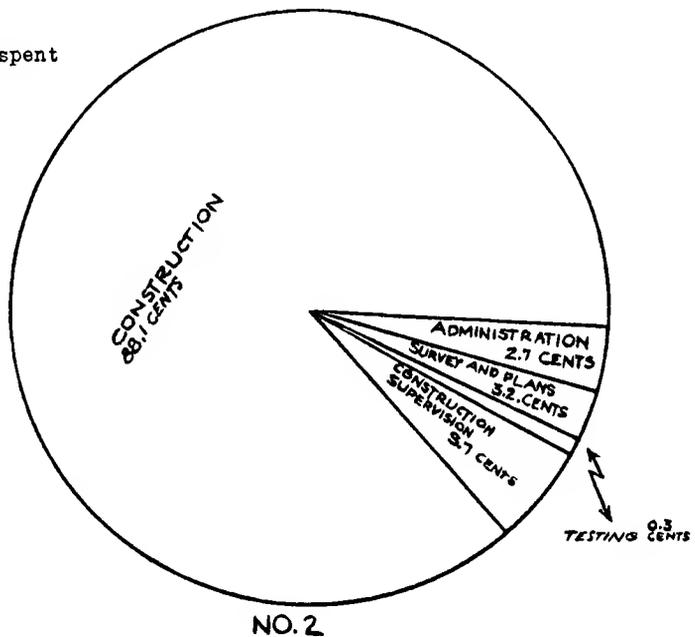


Illustration No. 1 shows distribution of dollar as spent from date of organization through December, 1938.

Illustration No. 2 shows distribution of dollar as spent during the month of December, 1938.



Note the reduction in expenditures for Administration and Construction.

The hour of adjournment having arrived, the Speaker announced the House adjourned until tomorrow morning at 9:00 o'clock, and House Bill No. 435 went over until that time under the order of unfinished business.

Representative Hall, Atlanta, Ga.,

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Wednesday, March 8th, 1939.

The House met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

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

Aiken	Clements of Wheeler	Forrester of Dade
Allen	Cobb	Foster
Allison of Gwinnett	Connell	Fowler of Douglas
Allison of White	Conner	Fowler of Treutlen
Almand	Coogler	Franklin of Bulloch
Ansley	Cook	Franklin of Polk
Atkinson	Corbett	Gaines
Barlow	Culpepper of Fayette	Gavin
Barrett	Culpepper of Mitchell	Gill
Beck	Curry	Goddard
Bell	Dallis	Goolsby
Bennett of Clarke	Daughtry	Gowen
Bennett of Ware	Davidson	Graham
Binion	Davis of Coweta	Grant
Blackshear	Davis of Floyd	Grayson
Blease	Dean	Greene
Bloodworth	DeFoor	Grice
Boyd of Cook	Dickerson	Griffin
Boyd of Greene	Dockery	Gross of Stephens
Branch	Douglass	Gross of Washington
Bray	Drake	Guyton
Brooks of Jackson	Drinkard	Harden
Brooks of Oglethorpe	Easley	Hardman
Bruce	Edwards of Lowndes	Harrison of Crawford
Bush	Edwards of Taylor	Harrison of Jenkins
Bynum	Elliott	Harvey
Campbell	English	Hatchett
Candler	Ennis, J. H.	Hayes
Carmichael of Butts	Ennis, Marion	Henderson
Carmichael of Cobb	Etheridge of Baker	Herndon
Carrington	Etheridge of Fulton	Hill
Carter	Etheridge of Houston	Hinson
Chappell	Evans of Laurens	Holtzendorff
Cheney	Evans of McDuffie	Howard
Clark	Ferguson of Camden	Jackson
Clary	Ferguson of Sumter	Joel
Claxton	Flanders	Johnson
Clements of Calhoun	Ford	Jones of Brantley
Clements of Marion	Forrester of Crisp	Jones of Paulding

Jones of Richmond	Moss	Strickland of Pierce
Kaigler	Pannell	Summerour
Kelley	Parham	Sumner
Kendrick	Parker	Swindle
Kennedy	Pharr	Tate
Key	Pierce	Terrell
Kimbrough	Pilcher	Thigpen of Evans
King	Preston	Thigpen of Glascock
Lanham	Purdy	Thornton
Lanier	Ragan	Tippins
Lewis	Rawlins	Tipton
Looper	Rees	Tomlinson
Lovett	Reid	Trippe
Mankin	Rogers	Turner
Marshall	Rossee	Vickery
Mason	Roughton	Wages
Maxwell	Rountree	Warren
McBride	Sabados	Wells
McCracken	Sams	Whipple
McDaniel	Sanders	Whitaker
McGraw	Sapp	Wiggins
McNall	Sartain	Williams of Bacon
Merritt	Saunders	Williams of Ware
Middleton	Scott	Wohlwender
Miller	Simmons	Wright
Mills	Smiley	Yawn
Moore of Lumpkin	Smith of Henry	Yeomas
Moore of Taliaferro	Smith of Schley	Mr. Speaker
Morgan	Stiles	
Mosely	Strickland of Haralson	

Mr. Coogler of Clayton, Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business, during the first period of unanimous consents:

1. Introduction of bills and resolutions under the Rules of the House.
2. Report of Standing Committees.
3. Second reading of bills and resolutions, favorably reported.
4. Third reading and passage of local uncontested bills and resolutions of the House and Senate.
5. First reading and reference of Senate bills and resolutions.

By unanimous consent, the following bills and resolutions of the House were introduced, read the first time and referred to the Committees:

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By Mr. Easley of Whitfield—

House Bill No. 768. A bill to be entitled an Act to incorporate the Town of Twin Lakes in Whitfield County; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Easley of Whitfield—

House Bill No. 769. A bill to be entitled an Act to amend the several Acts incorporating the City of Dalton; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Bush of Mitchell—

House Bill No. 770. A bill to be entitled an Act to amend the "Highway Mileage" Act by adding to the Traylor-Neill map a continuation of State Highway No. 93; and for other purposes.

Referred to Committee on Public Highways No. 1.

By Messrs. Morgan and Dallis of Troup—

House Bill No. 771. A bill to be entitled an Act to more fully care for and protect livestock; and for other purposes.

Referred to Committee on General Agriculture No. 1.

By Mr. Thigpen of Glascock—

House Bill No. 772. A bill to be entitled an Act to amend Article 11, Section 4, Paragraph 1, of the Constitution authorizing and directing the removal of the State Capitol from Atlanta to the City of Mitchell, and establishing the City of Mitchell, as the State Capitol of Georgia; and for other purposes.

Referred to Committee on Privileges and Elections.

By Mr. Hatchett of Meriwether—

House Bill No. 773. A bill to be entitled an Act to amend an Act entitled "An Act to amend an Act approved February 17, 1877. to constitute a Board of Commissioners for the County, as amended," by providing for the employment of a Clerk of the Board; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Sabados and Allen of Dougherty—

House Bill No. 774. A bill to be entitled an Act to provide that in any city in Georgia having a certain population the governing body, or the body of persons in charge of the business and fiscal affairs of the municipality shall be authorized

and have authority to take over by deed, lease, contract, agreement, grant or otherwise, the operation and maintenance of any hospital now in existence, or now maintained and, or located in said municipality; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Carrington of Barrow—

House Bill No. 775. A bill to be entitled an Act to create a Board of Commissioners of Roads and Revenues for the County of Barrow; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Evans and Lovett of Laurens—

House Bill No. 776. A bill to be entitled an Act to amend Section 45-505 of the Code of Georgia of 1933, which prohibits fishing by certain means in any of the fresh waters of the state, except private ponds; and for other purposes.

Referred to Committee on Game and Fish.

By Mr. Culpepper of Fayette—

House Bill No. 777. A bill to be entitled an Act to repeal an Act entitled "An Act to create and establish a state-wide general election in addition to those elections now provided for under existing laws, to provide how and when held"; and for other purposes.

Referred to Committee on General Judiciary No. 2.

By Mr. Vickery of Charlton—

House Bill No. 778. A bill to be entitled an Act to impose a license upon persons engaged in the business of operating ambulance services in Georgia; and for other purposes.

Referred to Committee on Motor Vehicles.

By Mr. Carmichael of Cobb—

House Bill No. 779. A bill to be entitled an Act to amend Section 21 of the Act known as the "Housing Authorities Law" of the Acts of 1937, page 210, to provide for the collection of taxes of governmental agencies doing business in Georgia under the "Housing Authorities Law"; and for other purposes.

Referred to Committee on State of Republic.

By Mr. Tippins of Wilcox—

House Bill No. 780. A bill to be entitled an Act to amend the charter for the Town of Abbeville; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Douglass of Talbot—

House Bill No. 781. A bill to be entitled an Act to amend an Act entitled "An Act to abolish the offices of Tax Collector and Tax Receiver of Talbot County; to create the office of Tax Commissioner of said county, etc."; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 782. A bill to be entitled an Act to amend an Act creating a new charter for the City of Decatur; and for other purposes.

Referred to Committee on Municipal Government.

By Messrs. Hatchett and McGraw of Meriwether—

House Bill No. 783. A bill to be entitled an Act to repeal an Act providing for the holding of four terms of the Superior Court of Meriwether County each year; and for other purposes.

Referred to Committee on Special Judiciary.

By Mr. Evans of McDuffie—

House Bill No. 784. A bill to be entitled an Act to provide the manner in which the Justices of the Peace and Notaries shall be compensated in criminal cases in McDuffie County; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 785. A bill to be entitled an Act to amend the charter of the City of Doerun in Colquitt County; and for other purposes.

Referred to Committee on Municipal Government.

By Messrs. McGraw and Hatchett of Meriwether—

House Resolution No. 177-779 A. A resolution to propose to the voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City of Greenville to incur a bonded indebtedness; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Mr. Kennedy of Tattnall—

House Resolution No. 178-780A. A resolution proposing to the voters of Georgia for ratification or rejection an amendment to Article VII, Section 2, of the Constitution, exempting from all ad valorem taxation except special assessments and taxation for any bonded indebtedness, an homestead not exceeding \$2000.00 in value; and for other purposes.

Referred to Committee on Amendments to Constitution No. 1.

Mr. Carmichael of Cobb County, Chairman of the Committee on Amendments to Constitution No. 2, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 2 have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 727 Do pass.

Respectfully submitted,

Carmichael of Cobb, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bill and resolution of the House, to-wit:

House Bill No. 704.

House Resolution No. 176.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills and resolution of the House, to-wit:

House Bills Nos. 141, 152, 209, 279, 348, 350, 355, 361, 475, 477, 509, 512, 514, 545.

House Resolution No. 141-533 A.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Swindle of Berrien County, Chairman of the Committee on General Agriculture No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Agriculture No. 1 have had under consideration

the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

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House Bill No. 648. Do pass.

House Bill No. 732. Do not pass.

Respectfully submitted,

Swindle of Berrien, Chairman.

Mr. McNall of Chatham County, Vice-Chairman of the Committee on Game and Fish, submitted the following report:

Mr. Speaker:

Your Committee on Game and Fish have had under consideration the following bill of the House and have instructed me, as Vice-Chairman, to report the same back to the House with the following recommendation:

House Bill No. 576. Do pass.

Respectfully submitted,

McNall of Chatham, Vice-Chairman.

Mr. Hatchett of Meriwether County, Vice-Chairman of the Committee on Education No. 2, submitted the following report:

Mr. Speaker:

Your Committee on Education No. 2 have had under consideration the following bill of the House and have instructed me, as Vice-Chairman, to report the same back to the House with the following recommendation:

House Bill No. 568. Do pass by substitute.

Hatchett of Meriwether, Vice-Chairman.

Mr. McGraw of Meriwether County, Chairman of the Committee on General Judiciary No. 2, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 2 have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 466. Do not pass.

House Bill No. 526. Do pass.

House Bill No. 533. Do not pass.

House Bill No. 692. Do not pass.

Respectfully submitted,

McGraw of Meriwether, Chairman.

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

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Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 738. Do pass by substitute.

House Bill No. 757. Do pass.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Thigpen of Glascock County, Chairman of the Committee on Privileges and Elections, submitted the following report:

Mr. Speaker:

Your Committee on Privileges and Elections have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 711. Do pass.

Respectfully submitted,

Thigpen of Glascock, Chairman.

Lovett of Laurens County, Chairman of the Committee on Public Highways No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Public Highways No. 1 have had under consideration the following bill and resolution of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 746. Do pass.

House Resolution No. 149-550A. Do pass by substitute.

Respectfully submitted,

Lovett of Laurens, Chairman

Mr. Rees of Webster County, Chairman of the Committee on Public Welfare, submitted the following report:

Mr. Speaker:

Your Committee on Public Welfare have had under consideration the following

bills and resolution of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

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House Bill No. 522. Do pass.

House Bill No. 531. Do pass.

House Bill No. 530. Do pass.

House Resolution No. 166-670 A. Do pass.

Respectfully submitted,

Rees of Webster, Chairman.

Mr. Hayes of Miller County, Chairman of the Committee on Special Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Special Judiciary have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 683. Do pass.

Respectfully submitted,

Hayes of Miller, Chairman.

Mr. Edwards of Lowndes County, Chairman of the Committee on State of Republic, submitted the following report:

Mr. Speaker:

Your Committee on State of Republic have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 446. Do pass as amended.

Respectfully submitted,

Edwards of Lowndes, Chairman.

Mr. Dean of Rockdale County, Chairman of the Committee on Uniform State Laws, submitted the following report:

Mr. Speaker:

Your Committee on Uniform State Laws have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 649. Do pass by substitute.

House Bill No. 713. Do pass.

Respectfully submitted,

Dean of Rockdale, Chairman.

Mr. Bennett of Ware County, Chairman of the Committee on University System of Georgia, submitted the following report:

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Mr. Speaker:

Your Committee on University System of Georgia have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 13. Do not pass.

Respectfully submitted,

Bennett of Ware, Chairman.

By unanimous consent, the following bills and resolutions of the House, favorably reported, were read the second time:

By Messrs. Henderson of Irwin, Hill of Screven and Kennedy of Tattnall—

House Bill No. 446. A bill to be entitled an Act to reduce State Employees' salaries; and for other purposes.

By Messrs. Yawn and Wiggins of Dodge—

House Bill No. 522. A bill to be entitled an Act to require State Department of Public Welfare to reimburse the several county and district welfare departments for all expenditures pursuant to the provisions of the "Old Age Assistant Act"; and for other purposes.

By Mr. Rawlins of Telfair—

House Bill No. 526. A bill to be entitled an Act to amend title 52, Code of 1933, relating to liens in favor of Taverns, etc., so as to extend the provisions of said title to hospitals; and for other purposes.

By Messrs. Yawn and Wiggins of Dodge—

House Bill No. 530. A bill to be entitled an Act to require the State Department of Public Welfare to reimburse the several county and district public welfare departments for amounts expended pursuant to the provisions of the "Aid to Dependent Children Act" (Georgia Laws 1937, pages 630-638); and for other purposes.

By Messrs. Yawn and Wiggins of Dodge—

House Bill No. 531. A bill to be entitled an Act to require the State Department of Public Welfare to reimburse the several county and district public welfare departments for amounts expended pursuant to the provisions of the "Aid to Blind Act" (Georgia Laws 1937, pages 568-579); and for other purposes.

By Mr. Rees of Webster—

House Bill No. 568. A bill to be entitled an Act to amend an Act approved

February 10, 1937, to equalize educational opportunities, by adding a proviso to Section 5 of said Act that there be no diminution in State aid by reason of reduction of number of teachers below the minimum provided; and for other purposes.

By Mr. Griffin of Wilkes—

House Bill No. 576. A bill to be entitled an Act to amend an Act approved March 12, 1935, regulating the trapping of predatory fur-bearing animals in counties with population of 15,944-15,934; and for other purposes.

By Mr. Grant of Habersham—

House Bill No. 648. A bill to be entitled an Act to amend Code Section 5-706 so as to provide that the State Entomologist shall visit and inspect infested trees and plants; and for other purposes.

By Mr. Campbell of Newton and Gill of Bryan—

House Bill No. 649. A bill to be entitled an Act to regulate political primary elections for the nomination of candidates for the State Senate; and for other purposes.

By Mr. Swindle of Berrien—

House Bill No. 683. A bill to be entitled an Act to create and establish the City Court of Nashville in the County of Berrien; and for other purposes.

By Messrs. Yawn and Wiggins of Dodge—

House Bill No. 711. A bill to be entitled an Act to amend Georgia Laws 1937, page 1312, regulating the holding of primary elections, by providing when said primary elections shall be held for the selection of county officers; and for other purposes.

By Mr. Dean of Rockdale —

House Bill No. 713. A bill to be entitled an Act to amend an Act to make comprehensive provision for an integrated tax administration for Georgia; to create the Department of Revenue and the office of State Revenue Commissioner; and for other purposes.

By Mr. Swindle of Berrien—

House Bill No. 727. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City of Ray City to incur a bonded indebtedness in addition to that heretofore authorized; and for other purposes.

By Mr. Atkinson of Chatham—

House Bill No. 738. A bill to be entitled an Act to revise, alter and amend the several Acts incorporating the Town of Tybee, now known as Savannah Beach, Tybee Island, Georgia; and for other purposes.

By Mr. Brooks of Oglethorpe—

House Bill No. 746. A bill to be entitled an Act to add a certain road in Oglethorpe County to the State Highway System known as Neill-Traylor Map; and for other purposes.

By Messrs. Atkinson, Grayson and McNall of Chatham—

House Bill No. 757. A bill to be entitled an Act to amend the several Acts incorporating and relating to the Mayor and Aldermen of the City of Savannah; and for other purposes.

By Messrs. Claxton of Johnson, Rountree and Flanders of Emanuel and Gross of Washington—

House Resolution No. 149-550 A. A resolution proposing to change name of Ball's Ferry Bridge to Charles D. Rountree Bridge; to mark same; and for other purposes.

By Mr. Etheridge and Mrs. Mankin of Fulton—

House Resolution No. 166-670 A. A resolution authorizing and directing the Director of Veterans Service to effect transfer of Veterans; and for other purposes.

By unanimous consent, the following bills of the House and Senate were read the third time and placed upon their passage:

By Mr. Stiles of Fannin—

House Bill No. 344. A bill to be entitled an Act to amend an Act entitled "An Act to create the Office of Commissioner of Roads and Revenues of Fannin County" by striking from Line 2 of Section 5 thereof the figures \$600.00 and inserting in lieu thereof the figures \$840.00; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Lovett of Laurens—

House Bill No. 501. A bill to be entitled an Act to authorize the Board of Commissioners of Roads and Revenues of Laurens County to employ a County Attorney; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Jones of Brantley—

House Bill No. 712. A bill to be entitled an Act to amend Georgia Laws 1937, Page 394, entitled an Act to abolish the offices of Tax Receiver and Tax Collector of Brantley County, and create the office of Tax Commissioner; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 716. A bill to be entitled an Act to repeal an Act incorporating the Town of Lilburn, in the County of Gwinnett, State of Georgia; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Jones of Paulding—

House Bill No. 717. A bill to be entitled an Act to create a new Charter for the Town of Dallas; and for other purposes.

The following amendment to House Bill No. 717 was read and adopted:

Mr. Jones of Paulding moves to amend House Bill No. 717 by striking from Section 25 in Line 9, the following:

“One (\$1.00) dollar” and inserting in lieu thereof the following “two (\$2.00) dollars”

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority, was passed, as amended.

By Messrs. Sabados and Allen of Dougherty—

House Bill No. 718. A bill to be entitled an Act to provide for and empower the City of Albany to furnish aid and relief and pensions to all officers, agents and employees of said City; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Kennedy of Tattnall—

House Bill No. 719. A bill to be entitled an Act to amend the Charter of the City of Glennville; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 109, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Boyd of Greene—

House Bill No. 721. A bill to be entitled an Act to create a new Charter for the City of Greensboro; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 733. A bill to be entitled an Act to amend Georgia Laws 1923, pages 775-780, changing the corporate limits of the Town of Snellville; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Rawlins of Telfair—

House Bill No. 734. A bill to be entitled an Act to amend Georgia Laws 1931, pages 566-574, so as to fix the fees to be charged by the Sheriff of Telfair County for dieting prisoners; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 111, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 737. A bill to be entitled an Act to incorporate the Town of Sugar Hill, in the County of Gwinnett, State of Georgia; and for other purposes.  
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The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 111, the nays 0.

By Mr. Ferguson of Camden—

House Bill No. 739. A bill to be entitled an Act granting to the Commissioners of Roads and Revenue of Camden County authority to zone and district the County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 112, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Harris, Jones and Lanier of Richmond—

House Bill No. 743. A bill to be entitled an Act to amend the Charter of the City of Augusta so as to authorize the City Council of Augusta to make temporary loans and provide for their repayment; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 113, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Culpepper of Fayette—

House Bill No. 744. A bill to be entitled an Act to amend the Act incorporating the Town of Tyrone, Georgia; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 114, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 747. A bill to be entitled an Act to amend an Act creating a City Court of Colquitt County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 114, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. ~~Sams, Candler~~ and Turner of DeKalb—

House Bill No. 748. A bill to be entitled an Act to amend the Charter of the City of Pine Lake, in DeKalb County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 115, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District—

Senate Bill No. 149. A bill to be entitled an Act to amend the Act establishing a new Charter for the City of Atlanta; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 116, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Holt of the 3rd District—

Senate Bill No. 171. A bill to be entitled an Act to authorize the City of Baxley to create a City Authority by city ordinance; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 117, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the following bills of the Senate were read the first time and referred to the Committees:

By Senators Millican of the 52nd, Abbot of the 18th and Sanders of the 36th Districts—

Senate Bill No. 126. A bill to be entitled an Act to amend Section 30-102 (2945) "Grounds for Total Divorce" of Georgia Code of 1933, by adding an additional ground of the Number 9, providing for a total divorce when either party is adjudged insane by a commission or court; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senator Manning of the 39th District—

Senate Bill No. 189. A bill to be entitled an Act to amend an Act authorizing the Mayor and Council of Marietta to have held by the qualified voters an election to determine whether or not bonds shall be issued; and for other purposes.

Referred to Committee on Municipal Government.

The following bill of the House was placed on the calendar for the purpose of disagreeing to the unfavorable report of the Committee:

By Messrs. Evans of McDuffie and Allen of Dougherty—

House Bill No. 13. A bill to be entitled an Act to give recognition by the State of Georgia to the valor and patriotism of the veterans who served in the United States Army from the State of Georgia in the World War; and for other purposes.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Mr. Yawn of Dodge—

House Bill No. 141. A bill to be entitled an Act to amend an Act creating a Charter for the City of Eastman, by providing for a City Manager; and for other purposes.

The following Senate amendment to House Bill No. 141, was read and agreed to:

The Senate moves to amend House Bill No. 141 by striking therefrom Section 2 in its entirety and inserting in lieu thereof a new section to be known as Section 2 and reading as follows:

#### SECTION 2.

This Act shall have no force or effect until same shall have been submitted to and approved by a majority of the qualified voters of the City of Eastman, voting at a special election to be called by the Council of the City of Eastman within 60 days after the approval of this Act by the Governor. Said election shall be held under the rules governing special election. There shall be printed on the ballots used in said election the following:

“For amendment to the City Charter of Eastman as provided in Act known as House Bill No. 141 passed by 1939 General Assembly.” “Against amendment to the City Charter of Eastman as provided in Act known as House Bill No. 141 passed by 1939 General Assembly.” Those favoring the approval of this Act shall vote for amendment to the City Charter of Eastman. Those opposing this Act shall vote against amendment to the City Charter of Eastman. Should a majority of the qualified voters participating in said election vote for the amendment to the City Charter of Eastman, this Act shall be of full force and effect, and the City Council shall within 30 days call an election for City Manager by the qualified voters of the City of Eastman. If a majority of the qualified voters participating in said election vote against the amendment to the City Charter of Eastman, then this Act shall be of no effect but shall be null and void.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolution of the House, to-wit:

By Mr. Lovett of Laurens—

House Bill No. 74. A bill to repeal an Act relating to special criminal bailiffs; and for other purposes.

By Mr. Jones of Brantley—

House Bill No. 99. A bill to amend an Act creating the office of Commissioner of Roads and Revenues of Brantley County; and for other purposes.

By Mr. Claxton of Johnson—

House Bill No. 175. A bill proposing an amendment to the Constitution authorizing the trustees of Kite School District of Johnson County to incur a bonded indebtedness; and for other purposes.

By Messrs. Lovett and Evans of Laurens—

House Bill No. 254. A bill to repeal an Act creating the City Court of Dublin, by providing for the salary of the Judge and Solicitor of said Court; and for other purposes.

By Mr. Lovett of Laurens—

House Bill No. 538. A bill to amend an Act creating a new Charter for the City of Dublin; and for other purposes.

By Mr. Hill of Screven—

House Bill No. 347. A bill to prohibit goats from running at large in the County of Screven; and for other purposes.

By Mr. McBride of Montgomery—

House Bill No. 372. A bill to prohibit goats from running at large in certain counties; to prescribe penalties for the violation of this Act; and for other purposes.

By Mr. Lovett of Laurens—

House Bill No. 539. A bill to amend the Charter of the City of Dublin; and for other purposes.

By Mr. Fowler of Douglas—

House Bill No. 542. A bill to amend an Act fixing the salary of the County Treasurer of Douglas County; and for other purposes.

By Messrs. Atkinson, Grayson and McNall of Chatham—

House Bill No. 548. A bill to amend an Act creating a Pension Board of Chatham County; and for other purposes.

By Messrs. Bloodworth, Grice and Merritt of Bibb—

House Bill No. 557. A bill to amend the Charter of the City of Macon; and for other purposes.

By Mr. Kaigler of Quitman—

House Bill No. 588. A bill to amend the Acts relating to County Commissioners of Quitman; to provide for purchases made by said Commissioners when such purchases amount to \$500.00 or more; and for other purposes.

By Mr. Goolsby of Monroe—

House Bill No. 593. A bill to amend an Act creating a Board of Commissioners of Roads and Revenues of Monroe County; and for other purposes.

By Mr. Swindle of Berrien—

House Bill No. 600. A bill to amend an Act creating a Board of Commissioners of Roads and Revenues of Berrien County; and for other purposes.

By Mr. Thigpen of Glascock—

House Bill No. 608. A bill to amend an Act creating a Board of Commissioners of Roads and Revenues of Glascock County; and for other purposes.

By Messrs. Bloodworth, Grice and Merritt of Bibb—

House Resolution No. 45-186 A. A resolution proposing an amendment to the Constitution so as to authorize the City of Macon to issue notes of debt certificates for the payment of the deficit and current indebtedness; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Summerour and Bray of Bartow—

House Bill No. 90. A bill to amend the several Acts creating the City Court of Bartow County by abolishing the Office of Solicitor and creating the office of County Prosecutor; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate, to-wit:

By Senator Howe of the 38th District—

Senate Bill No. 131. A bill to amend Code Section 9-401 defining the practice of law; and for other purposes.

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By Senator McGinty of the 43rd District—

Senate Bill No. 155. A bill to require preparation and publication of a report of receipt and disbursement of public funds by authorities; and for other purposes.

By Senators Abbot of the 18th, Brown of the 4th and Causey of the 46th Districts—

Senate Bill No. 156. A bill repealing that certain Act entitled “An Act to prescribe the manner of incorporating Towns and Villages in this State”; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 161. A bill to amend Article 13, Section 1, Paragraph 1, of the Constitution so as to provide that proposed amendments affecting only a county or municipality be submitted to the voters of such county or municipality; and for other purposes.

By Senators Spivey of the 16th, Durden of the 10th, Harrell of the 7th, Cloud of the 19th, and Brinson of the 42nd Districts—

Senate Bill No. 182. A bill to authorize the record owner of legal title to an interest in land as security for debt; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has adopted the following resolution, to-wit:

By Senators Boykin of the 29th and Causey of the 46th Districts—

Senate Resolution No. 56. A resolution commending the House Economy Committee for the work it has done and is doing.

#### GEORGIA STATE SENATE

By Senators Boykin of the 29th and Causey of the 46th Districts—

#### A RESOLUTION

WHEREAS, The Committee appointed by the House of Representatives, known as the ECONOMY COMMITTEE, has rendered the State valuable and conspicuous service by investigating the various departments, boards and bureaus of our State Government and by recommending economies that might be effected without impairment of efficiency and usefulness, and

WHEREAS, said Committee, though unable from lack of time to complete so stupendous an undertaking, has already effected large savings to the State and has

made marked progress in placing facts in the possession of the General Assembly which will enable it to foster legislation for further economies,

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NOW, THEREFORE BE IT RESOLVED, That the Senate of Georgia hereby express its appreciation and commendation of said ECONOMY COMMITTEE and the work it has done and is doing, and

RESOLVED further that a copy of these resolutions be transmitted to the House of Representatives and a copy to said Committee.

READ AND ADOPTED MARCH 7th, 1939.

John B. Spivey, President of the Senate.

John W Hammond, Secretary of the Senate.

Under the order of unfinished business, the following bill of the House was again taken up for consideration:

By Messrs. Harvey of Upson and Trippe of Polk—

House Bill No. 435. A bill to be entitled an Act to raise revenue by levying a tax for the benefit of dependent children, etc., to repeal certain tax laws; and for other purposes.

At the time of adjournment on Tuesday, the House had under consideration the Substitute to House Bill No. 435 offered by Mr. Lanham of Floyd, and others, and further consideration of Section 1, was resumed:

Mr. Lovett of Laurens moved that individual speeches be limited to ten minutes, and the motion was lost.

Mr. Clary of Columbia moved that the House reconsider its action in defeating the motion, and the motion prevailed.

Mr. Lovett of Laurens moved that individual speeches be limited to ten minutes, and the motion prevailed.

The main question was ordered on Section 1.

The following amendment to Section 1, was read:

Messrs. Lovett of Laurens, Bynum of Rabun and Forrester of Crisp move to amend Lanham Substitute for House Bill No. 435, by striking therefrom Section 1 in its entirety.

On adoption of the amendment, Forrester of Crisp moved the ayes and nays, and the call was not sustained.

The amendment was lost.

Section 1, was adopted.

Section 2. The following words, terms and phrases when used in this Act shall

have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning:

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(a) The term "Commissioner" means the State Revenue Commissioner of Georgia, who is hereby charged with the duty of enforcing and administering this Act.

(b) "Person", includes any individual, firm, co-partnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number.

(c) "Sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property, for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly, or indirectly the materials used in the fabrication work and the furnishing, preparing or serving, for a consideration, of any tangible personal property consumed on the premises of the person furnishing, preparing or serving such tangible personal property.

(d) A "retail sale", or "sale at retail", means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property, except that the expressions "transfer of possessions", "lease", and "rental", as used in subdivision (c) of this Section, shall mean and include only such transactions as the Commissioner upon investigation finds to be in lieu of sales, as defined in said subdivision (c), without the words "lease or rental"

(e) "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit or advantage, either direct or indirect.

(f) "Retailer" includes every person engaged in the business of making sales at retail; provided, however, that when in the opinion of the Commissioner it is necessary for the efficient administration of this Act to regard any salesman, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Commissioner may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for the purposes of this Act.

(g) "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, including any services that are a part of such sales, valued in money, whether received in money or otherwise, including all receipts, cash, credits and tangible personal property of any kind or nature, and also any amount for which credit is allowed by the seller to the purchaser, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, losses or any other expenses whatsoever; provided, however, that cash discounts allowed and taken on sales shall not be included, and "gross receipts" shall not include the sale price of

property returned by customers when the full sale price thereof is refunded either in cash or by credits, nor shall "gross receipts" include the price received for labor or services used in installing, applying, remodeling or repairing the property sold.

For the purposes of this Act, the total amount of the sale price above mentioned shall be deemed to be the amount received, exclusive of the tax hereby imposed; provided, that the retailers shall establish to the satisfaction of the Commissioner that the tax imposed hereunder has been added to the sale price and has not been absorbed by the retailer.

(h) The term "vendor" shall mean every firm, corporation, municipal corporation, co-partnership, joint adventure, or association, which engages in the sales of tangible personal property, or in the sale of services, taxable under this Act, whether doing business under a trade name or not.

(i) Whenever the term "vendor" is used in any provision of this Act prescribing a fine or imprisonment, or both, such term, when applied to firms, co-partnerships, joint adventures or associations, shall mean the partners or members thereof, and when applied to corporations, the officers thereof.

(j) The term "taxpayer" shall mean any person liable for any tax hereunder.

(k) "Tangible personal property" means personal property which may be seen, weighed, measured, felt or touched, or is in any manner perceptible to the senses.

The following amendment to Section 2, sub-section (k) was read and adopted:

Mr. Culpepper of Fayette moves to amend the Lanham Substitute for House Bill No. 435, as follows:

By adding at the end of item (k) of Section 2 the following, to-wit:

"Also the use, the consumption, the distribution, and the storage for use or consumption in this State of electric energy, sold by persons or corporations under the jurisdiction of the Public Service Commission, telephone and telegraph service, natural or artificial gas, service or rents of hotel companies and all service for the transportation of passengers or freight."

On adoption of the amendment, Mr. Lanham of Floyd moved the ayes and nays, and the call was sustained.

Mr. Key of Jasper asked unanimous consent to dispense with the calling of the roll, and objection was heard.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Barrett	Bynum	Clary
Bell	Campbell	Claxton
Branch	Carmichael of Butts	Clements of Wheeler
Bray	Chappell	Cobb
Bruce	Cheney	Conner

Coogler	Harrison of Crawford	Preston
Corbett	Harvey	Purdy
Culpepper of Fayette	Hayes	Ragan
Curry	Henderson	Rawlins
Davidson	Herndon	Reid
Davis of Coweta	Hill	Rossee
Davis of Floyd	Holtzendorff	Rountree
Dean	Howard	Scott
Dockery	Jackson	Smiley
Douglass	Kennedy	Sumner
Drake	King	Thigpen of Evans
Edwards of Taylor	Lanham	Thigpen of Glascock
Etheridge of Houston	Lanier	Tipton
Evans of Laurens	Lovett	Trippe
Evans of McDuffie	Marshall	Wages
Ford	Mason	Wells
Franklin of Bulloch	Middleton	Whitaker
Gaines	Mills	Wiggins
Graham	Morgan	Williams of Bacon
Grice	Mosely	Wohlwender
Griffin	Pierce	Wright
Gross of Washington	Pilcher	Yawn

Those voting in the negative were Messrs.:

Aiken	Ferguson of Camden	Maxwell
Allen	Ferguson of Sumter	McCracken
Allison of Gwinnett	Flanders	McDaniel
Almand	Forrester of Crisp	McGraw
Ansley	Forrester of Dade	McNall
Atkinson	Gavin	Moore of Lumpkin
Barlow	Goddard	Pannell
Bennett of Ware	Gowen	Parham
Binion	Grant	Parker
Blackshear	Greene	Pharr
Boyd of Greene	Gross of Stephens	Rees
Brooks of Jackson	Guyton	Rogers
Candler	Harden	Sabados
Carmichael of Cobb	Harrison of Jenkins	Sams
Clements of Calhoun	Hatchett	Sanders
Clements of Marion	Joel	Smith of Henry
Connell	Johnson	Stiles
Dickerson	Jones of Brantley	Strickland of Pierce
Drinkard	Jones of Paulding	Tate
Elliott	Kaigler	Thornton
English	Kelley	Vickery
Ennis, J. H.	Kendrick	Yeomans
Etheridge of Baker	Key	
Etheridge of Fulton	Mankin	

Those not voting were Messrs.:

Allison of White	Ennis, Marion	Moss
Beck	Foster	Roughton
Bennett of Clarke	Fowler of Douglas	Sapp
Blease	Fowler of Treutlen	Sartain
Bloodworth	Franklin of Polk	Saunders
Boyd of Cook	Gill	Simmons
Brooks of Oglethorpe	Goolsby	Smith of Schley
Bush	Grayson	Strickland of Haralson
Carrington	Hardman	Summerour
Carter	Hinson	Swindle
Clark	Jones of Richmond	Terrell
Cook	Kimbrough	Tippins
Culpepper of Mitchell	Lewis	Tomlinson
Dallis	Looper	Turner
Daughtry	McBride	Warren
DeFoor	Merritt	Whipple
Easley	Miller	Williams of Ware
Edwards of Lowndes	Moore of Taliaferro	

By unanimous consent, verification of the roll call was dispensed with.

On the adoption of the amendment, the ayes were 80, the nays 70.

The amendment was adopted.

Sub-section (k) of Section 2, as amended, was adopted.

(1) "Luxury" and "Luxuries" mean any article or articles, other than such as are hereafter included within the special exemption from the range, effect and operation of the provisions of this Act.

The following amendment to Section 2, Sub-section (1) was read and adopted:

Mr. Boyd of Cook moves to amend Substitute to House Bill No. 435, Section 2, Sub-section (1) after word "articles" line one, of said Sub-section, the following words, to-wit:

"Leases, licenses or rents from patents and/or copyrights."

Sub-section (1) of Section 2, as amended, was adopted.

The following amendment to Section 2, was read:

Messrs. Lovett of Laurens, Forrester of Crisps and Bynum of Rabun move to amend Lanham Substitute to House Bill No. 435, as follows:

By striking Section 2 hereof in its entirety.

On adoption of the amendment, Mr. Corbett of Atkinson moved the previous question, and the motion prevailed.

On the adoption of the amendment, the ayes were 49, the nays 70.

The amendment was lost.

Section 2, as amended, was adopted.

Section 3. There is hereby levied in addition to all other taxes now imposed by law a tax upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this State of every item or article of tangible personal property, and upon the lease or rental of such property and upon the sale at retail the use, the consumption, the distribution, and the storage for use or consumption in this State of electric energy, telephone and telegraph service, natural or artificial gas, service or rents by hotel companies and all service for the transportation of passengers or freight at the rate of four (4%) per cent of the retail sales price.

The following amendment to Section 3, was read:

Messrs. Lovett of Laurens, Bynum of Rabun and Forrester of Crisp move to amend Lanham Substitute for House Bill No. 435, by striking therefrom Section 3 in its entirety.

On adoption of the amendment, Mr. McBride of Montgomery moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allison of White	Coogler	Gowen
Almand	Culpepper of Fayette	Graham
Atkinson	Culpepper of Mitchell	Guyton
Barlow	Dallis	Harden
Barrett	DeFoor	Harrison of Jenkins
Binion	Dickerson	Hinson
Blackshear	Dockery	Jones of Brantley
Blease	Drinkard	Jones of Paulding
Boyd of Cook	Edwards of Lowndes	Kendrick
Boyd of Greene	Edwards of Taylor	Looper
Brooks of Jackson	English	Lovett
Bruce	Etheridge of Baker	Mankin
Bynum	Etheridge of Fulton	McBride
Carmichael of Cobb	Evans of Laurens	Mills
Carter	Evans of McDuffie	Pannell
Cheney	Ferguson of Camden	Parham
Clary	Ferguson of Sumter	Parker
Clements of Calhoun	Ford	Pilcher
Clements of Marion	Forrester of Crisp	Ragan
Connell	Franklin of Bulloch	Rawlins
Conner	Goddard	Rees

Rogers	Smiley	Thornton
Rossee	Smith of Schley	Wells
Sabados	Strickland of Haralson	Wright
Sams	Sumner	
Sanders	Thigpen of Evans	

Those voting in the negative were Messrs.:

Allison of Gwinnett	Grant	McGraw
Ansley	Grayson	McNall
Beck	Greene	Moore of Lumpkin
Bell	Grice	Pharr
Bennett of Ware	Griffin	Pierce
Bloodworth	Gross of Stephens	Preston
Branch	Gross of Washington	Reid
Bray	Harrison of Crawford	Roughton
Brooks of Oglethorpe	Harvey	Rountree
Carmichael of Butts	Hatchett	Sapp
Claxton	Henderson	Sartain
Clements of Wheeler	Herndon	Scott
Cook	Hill	Stiles
Corbett	Howard	Strickland of Pierce
Daughtry	Jackson	Tate
Davidson	Jones of Richmond	Thigpen of Glascock
Davis of Coweta	Kaigler	Tipton
Davis of Floyd	Kennedy	Trippe
Dean	Key	Vickery
Douglass	Kimbrough	Wages
Drake	King	Whipple
Elliott	Lanham	Whitaker
Ennis, J. H.	Lanier	Williams of Bacon
Etheridge of Houston	Lewis	Williams of Ware
Foster	Marshall	Wohlwender
Fowler of Treutlen	Mason	Yawn
Franklin of Polk	Maxwell	Yeomans
Gaines	McCracken	
Gill	McDaniel	

Those not voting were Messrs.:

Aiken	Clark	Gavin
Allen	Cobb	Goolsby
Bennett of Clarke	Curry	Hardman
Bush	Easley	Hayes
Campbell	Ennis, Marion	Holtzendorff
Candler	Flanders	Joel
Carrington	Forrester of Dade	Johnson
Chappell	Fowler of Douglas	Kelley

Merritt	Purdy	Tippins
Middleton	Saunders	Tomlinson
Miller <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Simmons	Turner
Moore of Taliaferro	Smith of Henry	Warren
Morgan	Summerour	Wiggins
Mosely	Swindle	
Moss	Terrell	

By unanimous consent, verification of the roll call was dispensed with.

On the adoption of the amendment, the ayes were 75, the nays 85, and the amendment was lost.

The following amendments to Section 3, were read and adopted:

Mr. Bell of Grady moves to amend the substitute offered by Mr. Lanham of Floyd and others for House Bill No. 435, as follows:

By striking all of Section 3 and inserting in lieu thereof the following:

“There is hereby levied in addition to all other taxes now imposed by law a tax upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this State of every item or article of tangible personal property, the sale of admission rights or privileges to any theatrical or moving picture show or exhibition, any amusement, place of amusement, entertainment, athletic game or contest, and other public exhibitions, except such as may be bona fide conducted between public schools of this State and except such as are sponsored and held for the exclusive benefit of the public schools of this State, and upon the lease or rental of all such property; and upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this State of electric energy, telephone and telegraph service, natural or artificial gas, service or rents by hotel companies and all service for the transportation of passengers or freight at the rate of four per cent of the retail sales price.”

Mr. Bell of Grady moves to amend the Substitute offered by Mr. Lanham of Floyd and others for House Bill No. 435, as follows:

By adding a new section to be numbered as Section 3 (a), as follows:

“Section 3 (a). There is also hereby levied upon the use and privilege of use of all tangible personal property imported or caused to be imported from other states or foreign countries and used in this State, in cases where the property so imported and used has not been already taxed as provided in Section 3 above, a tax at the rate of 4 per cent of the retail sales price thereof. The person using said property so imported shall for said use and privilege pay the tax imposed by this Act on all articles of tangible personal property as so imported and used, in the same manner and to the same extent as if said articles had been sold at retail in this State; and the tax herein imposed shall immediately become due and be collected upon any such article in the manner provided in this Section and in this Act, provided there shall be no duplication of tax in any event. No automobile or motor

vehicle license shall be issued to any person until proof satisfactory to the State Revenue Department is submitted to the effect either that the same was purchased in this State from a dealer regularly engaged in business in Georgia, so that the tax provided in Section 3 above will be paid, or that the use or privilege tax required by this Section has been paid. This section shall not be construed to levy a tax upon any articles of tangible personal property imported into this State, which levy would be in violation of the provision of the Federal Constitution."

Section 3, as amended, was adopted.

Mr. Wohlwender of Muscogee moved that the House recess for one hour, and the motion prevailed.

2:00 o'clock, P. M.

The Speaker called the House to order.

Further consideration of the Substitute to House Bill No. 435 offered by Mr. Lanham of Floyd and others, was resumed:

Section 4. In any case where tangible personal property is sold at retail, under a contract providing for such retail sale, made and entered into prior to the effective date of this Act and containing the sale price, and such sale is taxable under this Act, the seller shall add the tax imposed by this Act to said sale price, and collect it from the buyer.

Section 4, was adopted.

Section 5. There are specifically exempted from the provisions of this Act and from the computation of the amount of tax levied, assessed or payable thereunder the following:

I. (a) Cigars, cigarettes, and medicines filled on doctor's prescriptions.

(b) Alcoholic and malt beverages and wine containing more than one-half of one per centum of alcohol by volume.

(c) Fresh meat, milk and milk products.

(d) Gasoline, kerosene, lubricating oils, and forest products.

(e) Any other personal property, as to which an excise tax for the sale thereof is now imposed by the laws of this State.

II. (a) Clothing where the garment sells at retail for less than \$3.00, except articles manufactured of or containing silk.

(b) Shoes, selling for retail at less than \$3.00 per pair.

(c) Bread in loaf form; ice; fresh vegetables and produce; fresh fish, seafoods and oysters; poultry and eggs; coffee, tea, sugar, cane syrup and molasses, rice, grits, corn, meal, flour, baking powder, salt, pepper, beans, peas; salt and pickled meat; canned foods selling at retail for ten cents per can or less; and water. Soap, the retail

price of which is 10c or less per bar or package; lard, lard compounds and cooking oil.

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(d) Farm implements, farm machinery, and hand tools of the value of \$50.00 or less.

(e) Livestock, seeds, feeds, and fertilizers; sacks, bags, crates, boxes and barrels, used as containers of agricultural products; cotton; poison and insecticides used in agricultural pursuits.

(f) Newspapers.

(g) Foods, sold in colleges, schools, universities, and at churches.

(h) Kitchen utensils, pots, pans, and cans and jars used for home canning whether canned in the home or at community centers.

The following amendments to Section 5, were read and adopted:

Messrs. Lanier of Richmond and Lanham of Floyd move to amend Substitute to House Bill No. 35, known as Lanham Substitute, as follows:

By striking the figure \$3.00 in sub-section (II) (a), Section 5 and inserting in lieu thereof \$10.00.

By striking all of sub-section (II) (c) of Section 5 and substituting in lieu thereof, all food for man or beast.

Mr. Davis of Floyd moves to amend Substitute for House Bill No. 435 and known as the Lanham Substitute by striking Sub-section (E) of Section 5, and by substituting a new sub-section to be known as Sub-section (E) and to read as follows:

“All products of the farm, the forest, and naval stores shall be exempt from the provision of this Act; it is further provided that products of the farm, the forest, and naval stores sold by any person other than the producer, to any other person, as herein defined, who purchases not for direct consumption but for the purpose of acquiring raw products for use or for sale, in the process of preparing, furnishing, or manufacturing such agricultural commodity for the ultimate retail consumer trade, shall be, and is exempted from any and all the provisions of this Act, including payment of the tax applicable to the sale, storage, use, transfer, or any other utilization or handling thereof, except when such agricultural commodity is actually sold as marketable or finished products to the ultimate consumer, when the tax imposed by this Act shall apply, but in no case shall more than one tax be exacted; all fertilizers, sacks, bags, crates, boxes and barrels and all other containers used in the marketing of fruits and farm products; cotton bagging and cotton ties and poison and insecticides used in agricultural pursuits shall be exempt from the provisions of this Act.

Section 5, as amended, was adopted.

Section 6. The seller in any case in which the tax upon the sale levied herein

applies shall add the tax herein levied to the sales price and shall not be permitted to advertise otherwise. Any person, firm, or corporation violating the provisions of this Section shall be guilty of a misdemeanor and punished as provided by the Code of Georgia for misdemeanors.

The following amendment was read and adopted:

Mr. Culpepper of Fayette moves to amend by adding a new section, to be known as Section 6 (a), as follows, to-wit:

“Section 6 (a). COMMISSIONER TO DETERMINE METHOD OF COLLECTION OF TAX.

Be it further enacted by the authority aforesaid:

(a) That the Commissioner of Revenue shall administer and enforce the provisions of this Act and the collection of the tax imposed by said Act. He shall make such rules and regulations as he deems necessary for the administration of this Act, said rules and regulations not to be inconsistent with this Act or the Constitution of this State or of the United States.

(b) The Commissioner is directed to purchase tokens in an amount and denominations sufficient for the proper administration of this Act.”

Section 6, as amended, was adopted.

Section 7. This Act shall become effective on the 1st day of April, 1939, and the taxes levied hereunder shall be due and payable in monthly installments on or before the 15th day of the month next succeeding the month in which the tax accrues; and for the purpose of ascertaining the amount of tax payable under this Act it shall be the duty of all vendors on or before the 15th day of each month beginning March 14, 1939, to transmit to the Commissioner upon forms prescribed, prepared and furnished by him, returns under oath, showing the gross proceeds arising from all sales taxable under this Act during the preceding calendar month; and thereafter, like returns shall be prepared and transmitted to said Commissioner by all vendors on or before the 15th day of each month for the preceding calendar month. Such return shall show such further information as the Commissioner may require to, enable him to correctly compute and collect the tax herein levied. Every vendor at the time of making the return required hereunder shall compute the required tax due for the preceding calendar month, and shall pay the said tax by the 20th day of said month, but may pay the same at the time of filing the return. Gross receipts from rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto, in accordance with such rules and regulations as the Commissioner may prescribe.

Section 7, was adopted.

Section 8. If the Commissioner finds that a taxpayer designs quickly to depart from the State or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to jeopardize, prejudice, or to render wholly or partly ineffectual proceeding to collect such tax unless such proceedings

be brought without delay, the Commissioner may, at any time, declare the tax period of such taxpayers at the end, and may make an immediate assessments of the amount of tax found to be due, together with interest and penalties provided for by this Act, and without the statutory notice required by Section 8 (g), and notify the taxpayer thereof, and simultaneously demand immediate payment of the amount due. If such payment be not made on demand, the Commissioner shall immediately issue an execution to the sheriff of any county in the state commanding him immediately to levy upon and sell the real and personal property of the person owing said tax, or the Commissioner may in his discretion, accept a bond from the taxpayer to insure the payment of the tax computed, until the tax legally due shall be determined. Such bond shall be with sureties satisfactory to the Commissioner, and shall not be more than double the amount of the tax computed.

Section 8, was adopted.

Section 9. (a) As soon as practicable after a return is filed, the Commissioner shall examine it; if it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed.

(b) If the amount already paid exceeds that which should have been paid the excess so paid shall be credited against any subsequent tax; and if upon examination and audit of the return and the books and records of the taxpayer, it is found, through the recomputation of the total tax, that a balance of excess payment or payments remains, such balance, upon discretion of the Commissioner, shall be credited or refunded to the taxpayer by a warrant issued in the manner provided by law. The warrant shall be payable out of any funds in the State Treasury not otherwise appropriated. Any amount recovered by suit by any taxpayer as provided in this Act shall be refunded in like manner, but the refund shall be accompanied by a copy of the order or decree of the Court. Any refund paid under the terms hereof shall bear interest at the rate of three per cent per annum from the date of overpayment until the date of the claim is allowed.

(c) If the amount already paid is less than the amount which should have been paid, the difference, to the extent not covered by any credits under this Act, together with interest thereon at the rate of one per cent per month from the time the tax was due, shall be paid upon notice and demand.

(d) If any part or all of the deficiency is due to negligence or intentional disregard of authorized rules and regulations, but without intent to defraud, there shall be added as a penalty ten per cent of the total amount of the deficiency in the tax, and interest in such case shall be collected at the rate of one per cent per month on the amount of such deficiency in the tax from the time it was due, which interest and penalty shall become due and payable upon notice and demand.

(e) If any part of the deficiency is due to fraud with intent to evade the tax, there shall be added as a penalty fifty per cent of the total amount of the deficiency in the tax, and in such case the whole amount of tax unpaid, including the penalty added, shall become due and payable upon notice and demand, and an additional one per cent per month of the amount of such deficiency in the tax shall be added from the date it is due until paid.

(f) If any taxpayer fails to file a return or to pay the tax within the time prescribed by this Act, the Commission shall add to the tax of such person ten per cent thereof as a penalty.

(g) If any taxpayer fails to make any return required by this Act, the Commissioner shall give written notice by registered mail to such taxpayer to make such return within twenty days from the date of such notice, and if such taxpayer shall fail or refuse to make such return as he may be required to make under this Act within such time, then such return shall be made by the Commissioner from the best information available, and the tax computed thereon, and such return shall be prima facie correct for the purposes of this Act. To the tax ultimately found to be due shall be added fifty per cent of such tax as penalty, together with interest at the rate of one per cent per month from the time such tax was due. A copy of the return shall be sent by registered mail to the taxpayer, together with a demand that payment of the amount be made within ten days from the receipt of such notice. Failure to make payment within such time shall subject the taxpayer to the provisions of Section 11.

Section 9, was adopted.

Section 10. (a) If the Commissioner discovers from the examination of any return, or otherwise, that the tax of any taxpayer, or any portion thereof, has not been properly assessed, it may, at any time within three years after the time when the return was due, and after the due notice, by registered mail, to the taxpayer, assess the same, and such taxpayer shall thereupon have an opportunity, within thirty days after the mailing of such notice, to present orally or in writing to the Commissioner, or its authorized agent his objections to the proposed assessment. The limitation of three years on the assessment of such tax shall not apply to the assessment of taxes with respect to fraudulent or omitted returns. After the expiration of such thirty-day period, the Commissioner shall assess the tax of such taxpayer, or any portion thereof, which it finds has not theretofore been properly assessed, and shall give notice to such taxpayer of the amount of the tax and interest and penalties, if any, so assessed, and the amount thereof shall be payable within ten days from the date of mailing such notice. The provisions of this Act with respect to revision and appeal, shall also apply to any tax assessed under the provisions of this Section.

(b) Where before the expiration of the time prescribed in Sub-section (a) of this Section for the assessment of the tax both the Commissioner and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Section 10, was adopted.

Section 11. (a) If any tax imposed, or any portion of such tax, be not paid within thirty days after the same is found to be due, the Commissioner shall issue an execution under its official seal directed to the Sheriff of any county of the State commanding him to levy upon and sell the real and personal property of the person

owing said tax, found within his county, for the payment of the amount thereof, with damages to the amount of ten per cent of the tax, in addition to the penalties imposed under this Act, and interest, and costs of executing the execution, and to return such execution to the Commissioner and pay to him the money collected by virtue thereof, by a time to be therein specified not more than sixty days from the date of the execution. The Sheriff shall, within five days after the receipt of the execution file a copy thereof with the Clerk of the Superior Court of his County, and thereupon the Clerk shall enter on the general execution docket the name of the taxpayer mentioned in the execution, and the amount of the tax, or portion thereof, and damages, for which the execution is issued, and the day when such copy is filed; and thereupon the amount of such execution so docketed shall become a lien upon the title to and interest in real and personal property of the person against whom it is issued, in the same manner as a judgment duly enrolled in the office of such Clerk. The Sheriff thereupon shall levy upon any property of the taxpayer in all respects with like effect, and in the manner prescribed by law in respect to executions issued against property upon judgments or attachment proceedings of a court, and the remedies by garnishment shall apply. Such officer shall be entitled to the same fees, to be collected in the same manner as is now provided by law for like services. The liability for the tax imposed by this Act shall not be subject to any of the provisions of the exemption laws of the State of Georgia for the relief of debtors.

(b) A tax due and unpaid under this Act shall constitute a debt due the State, and may be collected by action at law or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies; and the same shall be collected, together with an additional ten per cent of the amount of the tax and penalties imposed for failure to make a return, or making a fraudulent return, and the costs of collection if paid within thirty days after the date said tax was due, and an additional two per cent of the amount of the tax for each succeeding thirty days or fraction thereof elapsing before the tax shall have been paid; provided, however, that the additional two per cent penalty shall not be applied until a ten-day notice of delinquency shall have been sent to the taxpayer.

(c) Any person against whom a tax shall be assessed herein provided shall be restrained and enjoined upon the order of the Commissioner by proper proceedings instituted in the name of the State of Georgia, brought by the Attorney General or any Solicitor General at the request of the Commissioner, from engaging or continuing in business, until the taxes shall have been paid, and until such person shall have complied with the provisions of this Act; and such attorneys shall prosecute violations of criminal provisions of this Act, upon the request of the Commissioner.

Section 11, was adopted.

Section 12. (a) If any person considers that he has paid to the Commissioner an amount which is in excess of the amount legally due from him under the terms of this Act he may apply to the Commissioner, by verified petition in writing, at any time within three years after the payment for the period for which such alleged overpayment has been made, for a correction of the amount so paid by him, and for refund of the amount which he claims has been illegally collected and paid. In such

petition, he shall set forth the amount which he claims should be refunded and the reasons for such claim. The Commissioner shall promptly consider such petition, and may grant such refund, in whole or in part, or may deny the same; if denied in whole or in part, the petitioner shall be forthwith notified of such action of the Commissioner and of its grounds for such denial. The Commissioner may, in his discretion, grant the petitioner further hearing with respect to such petition. Any person improperly charged with any tax provided for under the terms of this Act, and required to pay the same, may recover any amount thus improperly collected, together with interest, in any proper action or suit against the Commissioner in any court of competent jurisdiction; and the Superior Court of the County in which the taxpayer resides or is located shall have original jurisdiction of any action to recover any amount improperly collected. Provided, however, that no doubt shall entertain such a suit, unless the taxpayer shall show that he has filed a petition for refund with the Commissioner, as hereinabove provided, within one year prior to the institution of the action; provided, further, that no such suit shall be entertained until the expiration of six months from the time of filing such petition for refund with the Commissioner, unless in the meantime the Commissioner shall have notified the petitioner, in writing, of the denial of such petition. Any such petition shall be subject to the provisions of Section 8 (b). It shall not be necessary for any taxpayer to protest against the payment of the tax in order to maintain such suit.

(b) Either party to such suit shall have the right to appeal, as now provided by law in civil cases. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then, upon receipt of a certified copy of such final judgment, a warrant shall be issued directly to the Treasurer in favor of such taxpayer, to pay such judgment, interest and costs. It shall be the duty of the Treasurer to honor such warrant and pay such judgment out of any funds in the State Treasury not otherwise appropriated.

(c) No injunction to restrain or delay the collection of any tax claimed to be due under the provisions of this Act shall be issued by any court, but in all cases in which, for any reason, it be claimed that any such tax about to be collected in wrongful or illegal in whole or in part, the remedy, except as otherwise expressly provided in this Act, shall be by payment and action to recover such tax as provided in this Section.

Section 12, was adopted.

Section 13. The tax imposed by this Act shall be in addition to all licenses and taxes imposed by law as a condition precedent to engaging in any business taxable thereunder, except as in this Act otherwise specifically provided. No municipality shall, however, be authorized to levy any tax by virtue of the provisions of this Act.

Section 13, was adopted.

Section 14. On or before the last day of each month, the total amount derived from taxes levied under the provisions of this Act during the preceding month shall be paid by the Commissioner into the State Treasury in accordance with the provisions of Section 23 of this Act.

Section 14, was adopted.

~~Section 14~~ ~~Section 15~~. The Commissioner shall keep full and accurate records of all moneys received by it, and how disbursed; and shall preserve, for a period of three years, all returns filed with it under this Act.

Section 15, was adopted.

Section 16. Except to a court of competent jurisdiction the Commissioner, or his agents and employees, shall not divulge information concerning any taxpayer's return except to officials of the State entitled in their official capacity to receive same; or to a duly authorized representative of the government of another state or of the United States. Provided, that like information respecting taxpayers' returns in such other jurisdictions be made available to duly authorized representatives of the Georgia State Tax Commissioner.

Section 16, was adopted.

Section 17. (a) It shall be the duty of every person subject to taxation hereunder to keep and preserve records of his gross sales, and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this Act. It shall be the duty of every such person to keep and preserve such records for a period of three years, and all such records shall be open for examination at any time, by the Commissioner or his duly authorized agents. Any person violating any of the provisions of this Sub-section (a) shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided by law.

(b) It shall be unlawful for any person to make false entries in his books with intent to defraud the State or evade the payment of the tax, or any part thereof, imposed by this Act; or to keep more than one set of books with like intent. It shall also be unlawful for the president, vice-president, secretary, treasurer or other officer or employee of any company or association to make, cause to be made, or permit to be made any false entries in the books of such company or association, with the intent to avoid the payment of any tax imposed hereunder, or to keep or permit to be kept more than one set of books for such company or association, with like intent. Any person violating any of the provisions of this Sub-section (b) shall be guilty of a misdemeanor, and on conviction thereof shall be punished as provided by law.

Section 17, was adopted.

Section 18. It shall be unlawful for any person to fail or refuse to make any return required to be made under the provisions of this Act, or to make any false or fraudulent return or false statement in any return, with intent to defraud the State or to evade the payment of the tax, or any part thereof, imposed by this Act; or for the president, vice-president, secretary, treasurer, or other officer or employee of any person to make or cause to be made or permit to be made for any person any false return, or any false statement in any return required by this Act with the intent to evade the payment of any tax hereunder; or for any person to fail

or refuse to permit the examination of any book, paper, account, record, or other data by the Commissioner or his duly authorized agents, as required by this Act; or to fail or refuse to permit the inspection or appraisal of any property by the Commissioner or any of his duly authorized agents, or to refuse to offer testimony or produce any record as required in this Act. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and on conviction thereof, shall be punished as provided by law. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent to defraud the State or to evade the payment of the tax imposed hereunder shall be guilty of the offense of false swearing and, on conviction hereof, shall be punished in the manner provided by law. Any person for which a false return or a return containing a false statement as aforesaid shall be made, shall be guilty of a misdemeanor and shall be subject to the fine provided by law. No officer or employee of the Commissioner shall be civilly or criminally liable for causing any criminal or civil prosecution provided for under the provisions of this Act.

Section 18, was adopted.

Section 19. In case of violation of the provisions of this Act, the Commissioner may decline to prosecute for the first offense if, in his judgment, such violation is not wilful or flagrant.

Section 19, was adopted.

Section 20. (a) The Commissioner shall, from time to time, promulgate such rules and regulations not inconsistent with this Act, for making returns and for the ascertainment, assessment, and collection of the tax imposed hereunder, as it may deem necessary and desirable. Such regulations may also prescribe the qualifications of persons permitted to represent taxpayers before the Commissioner in connection with any taxes imposed under the terms of this Act. Upon request, the Commissioner shall furnish any taxpayer with a copy of such rules and regulations.

(b) All forms necessary and proper for the enforcement of this Act shall be prescribed, printed and furnished by the Commissioner.

Section 20, was adopted.

Section 21. The Commissioner or his authorized agents, may examine any books, papers, records, or other data bearing upon the correctness of any return, or for the purpose of making a return, as required by this Act, where none has been made, and may by the issuance of a summons require the attendance of the taxpayer or any other person at a point within the county of the residence of such person, and take his testimony with respect to any such matter, and may require any such person to produce any books or records specified in such summons. The Commissioner or his authorized agents shall have power to administer oaths to any such person. The Commissioner is further empowered, by his authorized agents, to examine the books and/or records of any broker or other person handling funds for the credit of, or acting as agent for any person subject to taxation under this Act. If any person

called as a witness by a summons signed by the Commissioner and served upon him by the sheriff of the county of which such person is a resident, shall fail to obey such summons to appear before the Commissioner or his authorized agent, or shall refuse to testify or answer any material question, or to produce any book, record, paper or other data when required to do so, such failure or refusal shall be reported to the Attorney General, who shall thereupon institute proceedings in the name of the State of Georgia in the superior court of the county where such witness resides, to compel obedience to any summons of the Commissioner. Officers who serve summonses or subpoenas, and witnesses attending shall receive like compensation as officers and witnesses in the superior courts, such compensation to be paid from the appropriation for the administration of this Act.

Section 21, was adopted.

Section 22. With respect to sales of automobiles and all kinds of motor vehicles that are subject to tax by this Act, it shall be the duty of the dealer to give to the purchaser at the time of the sale, a certificate or an affidavit, as may be determined by the Commissioner, signed by the dealer, in such form as may be prescribed by the Commissioner, which certificate, or affidavit, shall show the serial number, motor number, type and model of motor vehicle, and whether or not the tax imposed by this Act has been paid. If the tax has not been paid because of the fact that the motor vehicle was taken in trade and is not subject to tax then the dealer shall give to the purchaser a certificate or an affidavit signed by the dealer showing that the motor vehicle is not subject to tax. No automobile license shall be issued to any person until proof is submitted of the payment of the tax required by this Act. This applies to a vehicle whether purchased within the State or without the State.

The following amendment to Section 22, was read and adopted:

Messrs. Lanham of Floyd and Bennett of Ware move to amend Lanham Substitute to House Bill No. 435, by striking Section 22 in its entirety and substituting in lieu thereof a new section to be numbered 22 and to read as follows:

The tax herein levied on the sale of automobiles and all kinds of motor vehicles shall be collected by the dealer only on the difference between the selling price and any trade-in allowance on said purchase. The dealer shall give to the purchaser at the time of the sale, a certificate or an affidavit, as may be presented by the Commissioner, signed by the dealer showing the serial number, motor number, type and model of motor vehicle or automobile showing the tax has been paid on said automobile or motor vehicle. No State automobile license shall be issued to a purchaser or other person until proof is submitted of the payment of the tax required by this Act. Any person buying an automobile or motor vehicle outside of the State of Georgia shall be required to pay the tax imposed herein, and before any State automobile license shall be issued to such purchaser or other person for said automobile, he shall furnish proof to the Commissioner of the State of Georgia that the tax has been paid. And to amend caption accordingly

Section 22, as amended, was adopted.

Section 23. Be it further enacted by the authority aforesaid, that the net pro-

ceeds of the revenue derived from the taxes herein levied be and the same are hereby allocated and appropriated as follows:

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One-third ( $1/3$ ) of the net proceeds of this tax for each fiscal year is hereby set aside in a special fund in the State Treasury to the credit of the State Board of Education to be used by said Board for the sole purpose of paying any appropriation for the fiscal year made by the General Assembly of Georgia for salaries of teachers employed by the State in the Public School System where funds are not otherwise available to pay in full such appropriation, provided that no part of such fund shall be used except to pay in full the unpaid appropriation made by law for this purpose for each fiscal year.

One-third ( $1/3$ ) of the net proceeds of this tax for each fiscal year is hereby set aside in special funds in the State Treasury each in the same proportion as each of the fixed sum appropriations made for paying old age pensions, for aid to the blind, for the benefit of dependent children, for the State institutions under control of the Public Welfare Department, and for the Tubercular Sanatorium at Alto bears to the total fixed sum appropriations each fiscal year for these purposes. The funds thus set aside in the State Treasury for these purposes shall be used for the sole purpose of paying any appropriation for the fiscal year made by the General Assembly of Georgia for these purposes where funds are not otherwise available to pay in full such appropriations, provided that no part of the fund shall be used except to pay the unpaid appropriations for these purposes made by law for each fiscal year.

One-third ( $1/3$ ) of the net proceeds of this tax is hereby allocated and appropriated to each of the several counties of the State to be distributed monthly to the fiscal authority of each county in the same manner as the present gasoline tax is now distributed, on the basis of the State aid road mileage as certified by the State Highway Department of Georgia, and from such sum allocated and appropriated to each county of the State the fiscal authority of each county shall retain two-thirds ( $2/3$ ) of the amount received to be used for the purpose of maintaining the State Superior Court in the County and the remaining one-third ( $1/3$ ) of the amount received shall be paid to the County Board of Education of the county to be used for school purposes.

Provided further, that should the amount of funds set up each fiscal year for the items of this Section be in excess of the amount needed to pay the appropriations for each fiscal year in full for the items named, the State Treasurer is hereby authorized to pay into the State General Fund the amount of the funds that are in excess of the full appropriations made by law for each fiscal year.

Provided, however, the provisions for the distribution and use of the net proceeds of the tax derived under this Act, as set out in this Section, shall not become effective until after:

First: \$500,000.00 of the first net proceeds of this tax shall be set aside in a special fund in the State Treasury to the credit of the State Department of Public Welfare to be used for the sole purpose of paying any fixed sum appropriation for

the fiscal year ending June 30, 1939, made by the General Assembly for the benefit of Milledgeville State Hospital where funds are not otherwise available to pay in full such appropriation, with the direction that the funds thus appropriated shall be used in liquidating the outstanding obligations of said institution.

Second: That from the first net proceeds of this tax there shall be set aside and appropriated in a special fund in the State Treasury to the credit of the State Board of Education an amount sufficient to pay in full the teachers' salaries for the year ending June 30, 1939, where funds are not otherwise available to pay in full such teachers' salaries as are now in force and effect. The funds thus provided shall be used solely for the purpose of paying teachers' salaries due for the year ending June 30, 1939, and immediately upon sufficient funds being set aside for this purpose the distribution of the net proceeds of this tax as provided in this Section shall be in force and effect.

Section 23, was adopted.

Section 24. If any clause, sentence, proviso, paragraph or part of this Act shall for any reason be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, proviso, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 24, was adopted.

Section 25. There is hereby appropriated to the Commissioner out of any funds available in the general fund not otherwise appropriated, a sufficient sum of money to pay for the printing of this Act and all rules and regulations and the cost of distributing the same.

Section 25, was adopted.

The following amendment to the Lanham Substitute for House Bill No. 435, was read and adopted:

Messrs. Lanham of Floyd, Lanier of Richmond and Bennett of Ware move to amend Substitute for House Bill No. 435 known as "Special Tax of Luxuries or Non-essentials" by adding a new section to be appropriately numbered and to read as follows:

"The retailer or vendor as named in this Act to collect the tax herein imposed shall be allowed 3% of the total revenue collected by said retailer or vendor, which shall be deducted and retained by said retailer or vendor before making remittances as herein provided and the State Revenue Commissioner shall be allowed 2% of the total revenue collected to administer said Act. Provided further, however, the retailer or vendor shall be allowed 2% and the State Revenue Commissioner shall be allowed 3% of the total revenue collected for the first fiscal year of the operations of this Act."

and further amends the caption accordingly.

The following amendment to the Lanham Substitute for House Bill No. 435, was read:

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Mr. Chappell of Sumter moves to amend the Lanham Substitute for House Bill No. 435 known as "The Luxury or Non-essential Tax Act", as follows:

Section 1. By adding before the words "and for other purposes" in the caption the following: "to repeal certain items in the General Tax Act of 1935, as amended; to provide a saving clause for the collection of the taxes, penalties and interest accruing prior to the adoption of this Act."

Section 2. By adding a new section to be numbered 22(a) as follows:

"Section 22(a). The following paragraphs of Section 2 of the General Tax Act of 1935 (Georgia Laws 1935, pages 11-72) are hereby repealed: Paragraph 4 levying a tax upon presidents of certain corporations named therein; Paragraph 5 levying a tax upon advertising agencies, etc.; Paragraph 6 levying a tax upon commercial and mercantile and collection agencies, etc.; Paragraph 7 levying a tax upon detective agencies; Paragraph 8 levying a tax upon athletic clubs, etc.; Paragraph 9 levying a tax upon amusement parks; Paragraph 10 levying a tax upon auctioneers; Paragraph 11 levying a tax upon automobile or truck dealers, etc.; Paragraph 12 levying a tax upon dealers in used cars; Paragraph 13 levying a tax upon wholesale dealers in automobile tires or accessories, etc.; Paragraph 13 A levying a tax upon wholesale dealers in automobile radios; Paragraph 14 levying a tax upon upon retail dealers in automobile tires, accessories, radios, and parts; Paragraph 15 levying a tax upon automobile or truck assembly plants; Paragraph 16 levying a tax upon garages; Paragraph 17 levying a tax upon automobile parking places; Paragraph 18 levying a tax upon awning and tent makers; Paragraph 19 levying a tax upon bagatelle, billiard, jenny lind, pool or tivoli tables; Paragraph 20 levying a tax upon barber shops; Paragraph 22 levying a tax upon agents for barber supplies; Paragraph 23 levying a tax upon beauty parlors; Paragraph 24 levying a tax upon bicycle dealers; Paragraph 25 levying a tax upon bill distributors; Paragraph 26 levying a tax upon book agents; Paragraph 27 levying a tax upon non-resident bottlers; Paragraph 28 levying a tax upon brokers in stocks and bonds; Paragraph 29 levying a tax upon real estate brokers and agents; Paragraph 30 levying a tax upon burglar alarm agents; Paragraph 31 levying a tax upon cafes and restaurants, lunch rooms, etc.; Paragraph 33 levying a tax upon automobiles for hire; Paragraph 34 levying a tax upon jitneys; Paragraph 35 levying a tax upon "Drive-It-Yourself" companies or agencies; Paragraph 36 levying a tax upon dealers in coal and coke; Paragraph 37 levying a tax on cemetery companies, etc.; Paragraph 38 levying a tax upon circuses, menageries, etc.; Paragraph 39 levying a tax on circus side-shows; Paragraph 40 levying a tax upon concerts, shows and exhibitions; Paragraph 41 levying a tax upon commercial reporting agencies; Paragraph 42 levying a tax upon merry-go-rounds, etc.; Paragraph 46 levying a tax upon dance halls and dancing instructors; Paragraph 47 A levying a tax upon shooting galleries, target ranges, mechanical games and devices; Paragraph 47 B levying a tax on bowling alleys, ten pin alleys, etc.; Paragraph 48 levying a tax upon persons, etc., compiling directories; Paragraph

49 levying a tax upon dry cleaning; Paragraph 50 levying a tax upon electrical contractors; Paragraph 51 levying a tax upon emigrant agents; Paragraph 52 levying a tax upon employment agencies; Paragraph 53 levying a tax upon dealers in fire engines and apparatus; Paragraph 54 levying a tax upon fish dealers; Paragraph 55 levying a tax upon hotels, tourist camps, etc.; Paragraph 56 levying a tax upon traveling horse traders or traveling livestock dealers, etc.; Paragraph 56 A levying a tax upon fortune tellers, clairvoyants, etc.; Paragraph 56 B levying a tax upon palmists, etc; Paragraph 57 levying a tax on ice cream dealers; Paragraph 59 levying a tax upon junk dealers; Paragraph 60 levying a tax upon legerdemain and sleight of hand artists; Paragraph 62 levying a tax upon laundries, dyeing establishments etc.; Paragraph 63 levying a tax upon lighting system salesmen, agents and dealers; Paragraph 64 levying a tax upon lightning rod salesmen; Paragraph 65 levying a tax upon livestock dealers; Paragraph 66 levying a tax upon dealers and brokers in timber, lumber and forest products, etc.; Paragraph 67 levying a tax upon dealers and agents for the sale of cash registers; Paragraph 68 levying a tax upon manufacturers and dealers and agents for the sale of scales and weighing machines, etc.; Paragraph 69 levying a tax upon manufacturers and dealers and agents for adding or calculating machines, etc.; Paragraph 70 levying a tax upon manufacturers and dealers and agents for the sale of typewriters, etc.; Paragraph 71 levying a tax upon slot machines, punch boards, etc.; Paragraph 72 levying a tax upon manufacturers, etc., of machinery and equipment; Paragraph 73 levying a tax upon merry-go-rounds; Paragraph 74 levying a tax upon monument dealers; Paragraph 76 levying a tax upon motorcycle dealers; Paragraph 77 levying a tax upon moving pictures; Paragraph 78 levying a tax upon motion picture supply houses; Paragraph 79 levying a tax upon dealers in musical instruments; Paragraph 80 levying a tax upon news dealers on railroads; Paragraph 81 levying a tax upon packing houses, brokers and butcher plants; Paragraph 82 levying a tax upon persons selling patent rights; Paragraph 82 A levying a tax upon salesmen in baseball parks; Paragraph 83 levying a tax upon pawn brokers; Paragraph 84 levying a tax upon agents and salesmen of pictures and picture frames; Paragraph 85 levying a tax upon dealers in weapons; Paragraph 86 levying a tax upon dealers in playing cards; Paragraph 87 levying a tax upon photographers, etc.; Paragraph 88 levying a tax upon pressing clubs and pressing and cleaning businesses; Paragraph 89 levying a tax upon itinerant doctors, dentists, etc.; Paragraph 90 levying a tax upon persons conducting skating rinks, etc.; Paragraph 91 levying a tax upon salary and wage buyers; Paragraph 92 levying a tax upon agents and salesmen of safes and vaults; Paragraph 93 levying a tax upon hospitals and sanitariums, etc.; Paragraph 94 levying a tax upon dog and pony shows; Paragraph 95 levying a tax upon vaudeville shows; Paragraph 96 levying a tax upon agents, etc., of automatic sprinklers; Paragraph 97 levying a tax upon soda fountains; Paragraph 99 levying a tax upon swimming pools; Paragraph 100 levying a tax upon toll bridges and ferries; Paragraph 101 levying a tax upon gasoline and oil trucks or wagons; Paragraph 102 levying a tax upon undertakers; Paragraph 103 levying a tax upon cotton warehouses; Paragraph 104 levying a tax upon merchandise warehouses, etc.; Paragraph 105 levying a tax on wood dealers, etc.; Paragraph 106 levying a tax upon plumbing contractors, etc.; Paragraph 108 levying a tax upon peddlers of fish and sea food; Paragraph 109 levying a pump tax upon filling stations; Para-

graph 111 levying a tax upon tax adjusters. Said paragraphs are each and all repealed in their entirety, whether the tax is levied upon the business or upon an agent or salesman of a person, firm or corporation owning the business.

“Section 4 of said Act levying a tax upon dealers in sewing machines is also hereby repealed.

“Section 23 and each and every subsection thereof, which levies a tax upon resident fur dealers, nonresident fur dealers, agents, etc., is also hereby repealed.”

Section 3. By adding a new section to be numbered 22(b) as follows:

“Section 22(b) The repeal of the various paragraphs and sections named and referred to in Section 22(a) of this Act shall not affect the right of the State to collect any of the taxes, interest or penalties thereon, which may have become due or accrued prior to the approval of this Act. In the collection of any such tax, penalties or interest, the State, or other authorities vested with the power to do so, shall have the same power and use the same procedure as that now prescribed by law prior to the adoption of this Act.”

Mr. Edwards of Lowndes moved the previous question, the motion prevailed.

On adoption of the amendment, Mr. Jones of Brantley moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Daughtry	Hill
Ansley	Dean	Jackson
Atkinson	Dockery	Joel
Barrett	Drake	Johnson
Beck	Etheridge of Fulton	Jones of Richmond
Bennett of Ware	Ferguson of Sumter	Kaigler
Bloodworth	Fowler of Douglas	Kendrick
Bray	Fowler of Treutlen	Kennedy
Brooks of Jackson	Franklin of Polk	Key
Brooks of Oglethorpe	Gavin	Kimbrough
Bush	Gill	Lanham
Carrington	Goddard	Lanier
Carter	Grant	Lewis
Chappell	Greene	Mankin
Clark	Grice	Marshall
Claxton	Griffin	Mason
Clements of Calhoun	Gross of Stephens	McGraw
Clements of Marion	Gross of Washington	Merritt
Coogler	Harrison of Crawford	Middleton
Corbett	Harvey	Moore of Lumpkin
Culpepper of Mitchell	Hatchett	Mosely
Curry	Henderson	Parham

Pharr	Saunders	Vickery
Pierce	Scott	Wages
Preston	Smiley	Wells
Purdy	Stiles	Whipple
Rees	Tate	Whitaker
Reid	Thigpen of Evans	Wiggins
Roughton	Thornton	Williams of Bacon
Rountree	Tipton	Yawn
Sams	Trippe	
Sapp	Turner	

Those voting in the negative were Messrs.:

Allison of Gwinnett	Easley	King
Allison of White	Edwards of Lowndes	Looper
Barlow	Edwards of Taylor	Lovett
Bell	Elliott	Maxwell
Binion	English	McBride
Blackshear	Ennis, J. H.	McCracken
Blease	Etheridge of Baker	McDaniel
Boyd of Cook	Evans of Laurens	Mills
Boyd of Greene	Evans of McDuffie	Moss
Branch	Ferguson of Camden	Pannell
Bruce	Ford	Parker
Bynum	Forrester of Crisp	Pilcher
Carmichael of Butts	Foster	Ragan
Carmichael of Cobb	Franklin of Bulloch	Rogers
Cheney	Gaines	Rossee
Clary	Gowen	Sabados
Clements of Wheeler	Graham	Sanders
Cobb	Grayson	Smith of Schley
Connell	Guyton	Strickland of Pierce
Conner	Harden	Sumner
Cook	Harrison of Jenkins	Swindle
Culpepper of Fayette	Herndon	Thigpen of Glascock
Davidson	Hinson	Warren
Davis of Coweta	Howard	Williams of Ware
DeFoor	Jones of Brantley	Wohlwender
Dickerson	Jones of Paulding	Yeomans
Drinkard	Kelley	

Those not voting were Messrs.:

Allen	Dallis	Flanders
Almand	Davis of Floyd	Forrester of Dade
Bennett of Clarke	Douglass	Goolsby
Campbell	Ennis, Marion	Hardman
Candler	Etheridge of Houston	Hayes

Ioltzendorff	Rawlins	Summerour
McNall	Sartain	Terrell
Miller	Simmons	Tippins
Moore of Taliaferro	Smith of Henry	Tomlinson
Morgan	Strickland of Haralson	Wright

By unanimous consent, the roll call was verified.

On the adoption of the amendment, the ayes were 94, the nays 80.

The amendment was adopted.

Mr. Strickland of Haralson moved that the House reconsider its action in adopting the amendment, and the motion was lost.

Section 26. Be it further enacted by the authority aforesaid that all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 26, was adopted.

The following Substitute to the Committee Substitute to House Bill No. 435, was taken up for consideration:

by Messrs. Allison of Gwinnett, Lovett of Laurens, Conner of Dooly, Gaines of Franklin, Williams of Bacon, Warren of Forsyth, Tippins of Wilcox and Thigpen of Evans.

A bill to be entitled an Act to be known as the "Luxury or Non-Essentials Tax Act"; and for other purposes.

The Speaker asked unanimous consent to dispense with the reading of the bill, and the consent was granted.

Mr. Carmichael of Cobb moved that after hearing the Girls Band, the House adjourn until tomorrow morning at 9:00 o'clock.

Under the provisions of a resolution previously adopted, The Georgia State Girls Military Band, appeared upon the floor of the House and entertained the membership with several selections of music.

The following resolution of the House was read and adopted:

by Mr. Carmichael of Cobb—

House Resolution No. 179. A resolution. Be it resolved by this House that its members sincerely appreciate the wonderful and melodious music just rendered by the Girls Georgia Military Band.

Be it further resolved that this day be recorded in the House Journal as the first day of this session to leave any real harmony in it.

Mr. Carmichael of Cobb withdrew the motion to adjourn until tomorrow morning at 9:00 o'clock.

On the adoption of the Substitute to the Committee Substitute to House Bill No. 435, Mr. Grayson of Chatham moved the previous question.

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The main question was ordered.

On adoption of the Substitute, Mr. Allison of Gwinnett moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allison of Gwinnett	Evans of McDuffie	Mason
Allison of White	Ferguson of Sumter	McBride
Almand	Forrester of Crisp	Moore of Lumpkin
Bell	Foster	Moore of Taliaferro
Boyd of Greene	Fowler of Treutlen	Rees
Brooks of Jackson	Gaines	Reid
Brooks of Oglethorpe	Gavin	Rountree
Bush	Gill	Sanders
Bynum	Grice	Sartain
Campbell	Griffin	Strickland of Haralson
Cheney	Gross of Stephens	Strickland of Pierce
Clary	Harrison of Jenkins	Tate
Claxton	Hayes	Thigpen of Evans
Clements of Wheeler	Henderson	Trippe
Conner	Herndon	Wages
Curry	Holtzendorff	Warren
Daughtry	Jackson	Whitaker
Davidson	Jones of Richmond	Wiggins
Davis of Coweta	Kaigler	Williams of Bacon
Dean	King	Wright
Dockery	Lanier	Yawn
Drake	Looper	
Evans of Laurens	Lovett	

Those voting in the negative were Messrs.:

Aiken	Boyd of Cook	Cobb
Allen	Branch	Coogler
Ansley	Bray	Cook
Atkinson	Bruce	Corbet
Barlow	Candler	Culpepper of Fayette
Barrett	Carmichael of Butts	Culpepper of Mitchell
Beck	Carmichael of Cobb	Dallis
Bennett of Ware	Carrington	Davis of Floyd
Binion	Carter	DeFoor
Blackshear	Chappell	Dickerson
Blease	Clark	Douglass
Bloodworth	Clements of Marion	Drinkard

Easley	Howard	Pilcher
Edwards of Lowndes	Joel	Preston
Edwards of Taylor	Johnson	Ragan
Elliott	Jones of Brantley	Rogers
English	Jones of Paulding	Rossee
Ennis, J. H.	Kelley	Roughton
Ennis, Marion	Kendrick	Sams
Etheridge of Baker	Kennedy	Sapp
Etheridge of Fulton	Key	Saunders
Ferguson of Camden	Kimbrough	Scott
Flanders	Lanham	Smiley
Forrester of Dade	Lewis	Smith of Henry
Fowler of Douglas	Mankin	Smith of Schley
Franklin of Bulloch	Marshall	Stiles
Franklin of Polk	Maxwell	Sumner
Goddard	McCracken	Swindle
Gowen	McGraw	Thigpen of Glascock
Graham	McNall	Thornton
Grant	Merritt	Tipton
Grayson	Middleton	Turner
Greene	Mills	Vickery
Gross of Washington	Morgan	Wells
Guyton	Moss	Whipple
Harden	Pannell	Williams of Ware
Harrison of Crawford	Parham	Wohlwender
Hatchett	Parker	Yeomans
Hill	Pharr	
Hinson	Pierce	

Those not voting were Messrs.:

Bennett of Clarke	Harvey	Simmons
Clements of Calhoun	McDaniel	Summerour
Connell	Miller	Terrell
Etheridge of Houston	Mosely	Tippins
Ford	Purdy	Tomlinson
Goolsby	Rawlins	
Hardman	Sabados	

By unanimous consent, verification of the roll call was dispensed with.

On the adoption of the Substitute, the ayes were 67, the nays 118.

The Substitute was lost.

On adoption of the Committee Substitute to House Bill No. 435, Mr. Carmichael of Cobb moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allen	Drake	Marshall
Allison of Gwinnett	Edwards of Lowndes	McBride
Ansley	Edwards of Taylor	Middleton
Barrett	Etheridge of Baker	Mills
Blease	Forrester of Dade	Moore of Taliaferro
Boyd of Greene	Franklin of Bulloch	Parham
Bray	Franklin of Polk	Parker
Bush	Gavin	Reid
Campbell	Gill	Rossee
Carmichael of Cobb	Greene	Rountree
Carter	Griffin	Sanders
Clary	Gross of Stephens	Smith of Schley
Clements of Marion	Guyton	Strickland of Haralson
Conner	Harden	Sumner
Cook	Harrison of Jenkins	Tate
Culpepper of Fayette	Hinson	Thigpen of Glascock
Curry	Johnson	Thornton
Daughtry	Jones of Brantley	Wells
Davidson	Jones of Paulding	Wiggins
Dean	Kelley	
DeFoor	Looper	

Those voting in the negative were Messrs.:

Aiken	Clark	Evans of McDuffie
Allison of White	Claxton	Ferguson of Camden
Almand	Clements of Calhoun	Ferguson of Sumter
Atkinson	Clements of Wheeler	Flanders
Barlow	Cobb	Forrester of Crisp
Beck	Coogler	Foster
Bell	Corbett	Fowler of Douglas
Bennett of Ware	Culpepper of Mitchell	Fowler of Treutlen
Binion	Dallis	Gaines
Blackshear	Davis of Coweta	Goddard
Bloodworth	Davis of Floyd	Gowen
Boyd of Cook	Dickerson	Graham
Branch	Dockery	Grant
Brooks of Jackson	Douglass	Grayson
Brooks of Oglethorpe	Drinkard	Grice
Bruce	Easley	Gross of Washington
Bynum	Elliott	Harrison of Crawford
Candler	English	Hatchett
Carmichael of Butts	Ennis, J. H.	Hayes
Carrington	Ennis, Marion	Henderson
Chappell	Etheridge of Fulton	Herndon
Cheney	Evans of Laurens	Hill

Holtendorff	McNall	Smith of Henry
Howard	Merritt	Stiles
Jackson	Moore of Lumpkin	Strickland of Pierce
Jones of Richmond	Morgan	Swindle
Kaigler	Pannell	Thigpen of Evans
Kendrick	Pharr	Tipton
Kennedy	Pierce	Trippe
Key	Pilcher	Turner
Kimbrough	Preston	Vickery
King	Ragan	Wages
Lanham	Rees	Warren
Lanier	Roughton	Whipple
Lewis	Sabados	Whitaker
Lovett	Sams	Williams of Bacon
Mankin	Sapp	Williams of Ware
Mason	Sartain	Wohlwender
Maxwell	Saunders	Wright
McCracken	Scott	Yawn
McGraw	Smiley	Yeomans

Those not voting were Messrs.:

Bennett of Clarke	Joel	Rogers
Connell	McDaniel	Simmons
Etheridge of Houston	Miller	Summerour
Ford	Mosely	Terrell
Goolsby	Moss	Tippins
Hardman	Purdy	Tomlinson
Harvey	Rawlins	

By unanimous consent, verification of the roll call was dispensed with.

On the adoption of the Committee Substitute to House Bill No. 435, the ayes were 61, the nays 123.

The Committee Substitute, was lost.

The Speaker ruled the Substitute to House Bill No. 435, offered by Messrs. Allison of Gwinnett, and others, out of order.

On adoption of the Lanham Substitute to House Bill No. 435, Mr. Evans of McDuffie moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Beck	Brooks of Jackson	Carter
Bennett of Clarke	Bush	Chappell
Branch	Bynum	Cheney
Bray	Carrington	Clark

Claxton	Gross of Washington	Moore of Taliaferro
Clements of Calhoun	Harrison of Crawford	Pannell
Clements of Marion	Harrison of Jenkins	Pharr
Clements of Wheeler	Hatchett	Pierce
Coogler	Hayes	Preston
Cook	Henderson	Reid
Corbett	Herndon	Rossee
Culpepper of Mitchell	Hill	Roughton
Curry	Holtzendorff	Rountree
Daughtry	Jackson	Sanders
Davis of Floyd	Jones of Richmond	Sapp
Dean	Kaigler	Sartain
Dockery	Kelley	Scott
Drake	Kennedy	Stiles
Ennis, J. H.	Key	Strickland of Pierce
Ennis, Marion	Kimbrough	Swindle
Foster	King	Tate
Fowler of Treutlen	Lanham	Trippe
Gaines	Lanier	Vickery
Graham	Lewis	Wages
Grant	Looper	Whipple
Greene	Mason	Whitaker
Grice	McGraw	Wiggins
Griffin	Merritt	Yawn
Gross of Stephens	Moore of Lumpkin	

Those voting in the negative were Messrs.:

Aiken	Candler	Ferguson of Sumter
Allen	Carmichael of Cobb	Flanders
Allison of Gwinnett	Clary	Forrester of Crisp
Allison of White	Cobb	Forrester of Dade
Almand	Culpepper of Fayette	Franklin of Bulloch
Ansley	Dallis	Franklin of Polk
Atkinson	Davis of Coweta	Gavin
Barlow	DeFoor	Gill
Barrett	Dickerson	Goddard
Bell	Drinkard	Gowen
Bennett of Ware	Easley	Grayson
Binion	Edwards of Lowndes	Guyton
Blackshear	Edwards of Taylor	Harden
Blease	Elliott	Hinson
Bloodworth	English	Howard
Boyd of Cook	Etheridge of Baker	Jones of Brantley
Boyd of Greene	Etheridge of Fulton	Jones of Paulding
Brooks of Oglethorpe	Evans of Laurens	Kendrick
Bruce	Evans of McDuffie	Lovett
Campbell	Ferguson of Camden	Maxwell

McBride	Rees	Thornton
McCracken	Rogers	Tipton
McNall	Sabados	Turner
Middleton	Sams	Warren
Mills	Smiley	Williams of Bacon
Morgan	Smith of Henry	Williams of Ware
Moss	Smith of Schley	Wohlwender
Parham	Strickland of Haralson	Wright
Parker	Sumner	Yeomans
Pilcher	Thigpen of Evans	
Ragan	Thigpen of Glascock	

Those not voting were:

Carmichael of Butts	Hardman	Purdy
Connell	Harvey	Rawlins
Conner	Joel	Saunders
Davidson	Johnson	Simmons
Douglass	Mankin	Summerour
Etheridge of Houston	Marshall	Terrell
Ford	McDaniel	Tippins
Fowler of Douglas	Miller	Tomlinson
Goolsby	Mosely	Wells

By unanimous consent, the roll call was verified.

On the adoption of the Lanham Substitute, the ayes were 86, the nays 91.

The Substitute was lost.

Mr. Lanham of Floyd moved that the House reconsider its action in ordering the main question.

Mr. Lanier of Richmond moved that the House reconsider its action in defeating the Lanham Substitute.

On the motion to reconsider Lanham Substitute Mr. Hatchett of Meriwether moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Almand	Bynum	Cook
Beck	Carrington	Corbett
Bennett of Clarke	Chappell	Culpepper of Mitchell
Branch	Cheney	Curry
Bray	Claxton	Daughtry
Brooks of Jackson	Clements of Calhoun	Davis of Floyd
Brooks of Oglethorpe	Clements of Wheeler	Dean
Bush	Coogler	Dockery

Drake	Jackson	Pierce
Ennis, J. H.	Jones of Richmond	Preston
Ennis, Marion	Kaigler	Rossee
Flanders	Key	Roughton
Foster	Kimbrough	Sanders
Fowler of Treutlen	King	Sapp
Gaines	Lanham	Sartain
Graham	Lanier	Scott
Greene	Lewis	Stiles
Grice	Looper	Strickland of Pierce
Griffin	Mankin	Swindle
Gross of Stephens	Mason	Tate
Gross of Washington	McGraw	Thigpen of Glascock
Harrison of Crawford	McNall	Trippe
Harrison of Jenkins	Merritt	Vickery
Hatchett	Moore of Lumpkin	Wages
Hayes	Moore of Taliaferro	Whipple
Henderson	Pannell	Whitaker
Hill	Pharr	Yawn

Those voting in the negative were Messrs.:

Aiken	Dickerson	Howard
Allen	Drinkard	Jones of Brantley
Allison of Gwinnett	Easley	Jones of Paulding
Allison of White	Edwards of Lowndes	Kendrick
Ansley	Edwards of Taylor	Kennedy
Atkinson	Elliott	Lovett
Barlow	English	Marshall
Barrett	Etheridge of Baker	Maxwell
Bell	Etheridge of Fulton	McBride
Bennett of Ware	Evans of Laurens	McCracken
Binion	Evans of McDuffie	Middleton
Blackshear	Ferguson of Camden	Mills
Blease	Ferguson of Sumter	Morgan
Bloodworth	Forrester of Crisp	Moss
Boyd of Cook	Franklin of Bulloch	Parham
Boyd of Greene	Franklin of Polk	Parker
Bruce	Gavin	Pilcher
Campbell	Gill	Rees
Candler	Goddard	Reid
Carmichael of Cobb	Gowen	Rogers
Clary	Grant	Rountree
Conner	Grayson	Sabados
Culpepper of Fayette	Guyton	Sams
Dallis	Harden	Smiley
Davis of Coweta	Hinson	Smith of Henry
DeFoor	Holtzendorff	Smith of Schley

Strickland of Haralson	Tipton	Williams of Ware
Sumner	Turner	Wohlwender
Thigpen of Evans	Wiggins	Wright
Thornton	Williams of Bacon	Yeomans

Those not voting were Messrs.:

Carmichael of Butts	Fowler of Douglas	Purdy
Carter	Goolsby	Ragan
Clark	Hardman	Rawlins
Clements of Marion	Harvey	Saunders
Cobb	Herndon	Simmons
Connell	Joel	Summerour
Davidson	Johnson	Terrell
Douglass	Kelley	Tippins
Etheridge of Houston	McDaniel	Tomlinson
Ford	Miller	Warren
Forrester of Dade	Mosely	Wells

By unanimous consent, verification of the roll call was dispensed with.

On the motion to reconsider Lanham Substitute, the ayes were 81, the nays 89, and the motion was lost.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 37, the nays 88.

The bill having failed to receive the requisite constitutional majority, was lost.

Mr. Lanham of Floyd gave notice that at the proper time he would move that the House reconsider its action in failing to pass the bill.

Mr. Gross of Stephens moved that the House do now adjourn until tomorrow morning at 9:00 o'clock, and the motion prevailed.

The Speaker announced the House adjourned until tomorrow morning at 9:00 o'clock.

Representative Hall, Atlanta, Ga.,

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Thursday, March 9th, 1939.

The House met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

By unanimous consent, the call of the roll was dispensed with.

Mr. Gross of Stephens, Acting-Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business, during the first period of unanimous consents:

1. Introduction of bills and resolutions under the Rules of the House.
2. Report of Standing Committees.
3. Second reading of bills and resolutions, favorably reported.
4. Third reading and passage of local uncontested bills and resolutions of the House and Senate.
5. First reading and reference of Senate bills and resolutions.

By unanimous consent, the following bills and resolution of the House were introduced, read the first time and referred to the Committees:

By Mr. Edwards of Lowndes—

House Bill No. 786. A bill to be entitled an Act to divert from the Highway Department the sum of \$5,000,000.00; and for other purposes.

Referred to Committee on Public Welfare.

By Mr. Rossee of Putnam—

House Bill No. 787. A bill to be entitled an Act to abolish the offices of tax receiver and tax collector of Putnam County, to provide the office and compensation of tax commissioner; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Carmichael of Butts—

House Bill No. 788. A bill to be entitled an Act to amend an Act creating a new charter for the City of Jackson; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Carmichael of Butts—

House Bill No. 789. A bill to be entitled an Act to amend an Act creating a new charter for the City of Jackson; and for other purposes.

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Referred to Committee on Municipal Government.

By Mr. Marion Ennis of Baldwin—

House Bill No. 790. A bill to be entitled an Act to establish the City Court of Milledgeville; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Lovett of Laurens—

House Bill No. 791. A bill to be entitled an Act to amend an Act creating a new charter for the City of Dublin; and for other purposes.

Referred to Committee on Special Judiciary.

By Mr. Harris of Richmond—

House Bill No. 792. A bill to be entitled an Act to amend the general appropriations bill so as to make the grandfather's clause apply to all allocated funds; and for other purposes.

Referred to Committee on Ways and Means.

By Mr. Kennedy of Tattnall—

House Bill No. 793. A bill to be entitled an Act amending an Act creating a Board of Commissioners of Roads and Revenues for the County of Tattnall by providing for five members instead of four, and naming the Chairman; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Sartain and Kelley of Walker—

House Bill No. 794. A bill to be entitled an Act to provide that in grand jury city courts the defendant in misdemeanor cases can be required to go to trial on an accusation without the necessity of an indictment; and for other purposes.

Referred to Committee on Special Judiciary.

By Mr. Rawlins of Telfair—

House Bill No. 795. A bill to be entitled an Act to create and incorporate the City of Jacksonville in the County of Telfair, and grant a charter to that Municipality, to prescribe and define corporate limits thereof, a Municipal Government; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Moore of Lumpkin—

House Bill No. 796. A bill to be entitled an Act amending the Act rein-

corporating the City of Dahlonega, by authorizing the mayor and council of Dahlonega to assess and levy street and sidewalk paving assessments against abutting property owners, and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. DeFoor of McIntosh and Howard of Long—

House Bill No. 797. A bill to be entitled an Act to prohibit the erection or construction or reconstruction of a bridge across the Altamaha, Ocmulgee or Oconee Rivers, unless said bridge is equipped with a draw or movable span to allow unlimited vertical clearance for vessels; and for other purposes.

Referred to Committee on Public Highways No. 2.

By Messrs. Atkinson of Chatham, Franklin of Bulloch, Lovett of Laurens and Drake of Seminole—

House Resolution No. 180-787 A. A resolution authorizing the creating of a State Road Survey Council; and for other purposes.

Referred to Committee on Public Highways No. 1.

By Mr. Key of Jasper—

House Resolution No. 181-787 B. A resolution authorizing payment of expenses to sub-committees of appropriation committee; and for other purposes.

Referred to Committee on Appropriations.

Mr. Carmichael of Cobb County, Chairman of the Committee on Amendments to Constitution No. 2, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 2 have had under consideration the following bill and resolution of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 694. Do pass.

House Resolution No. 177-779 A. Do pass.

Respectfully submitted,

Carmichael of Cobb, Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration

the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

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House Bill No. 773. Do pass.

Senate Bill No. 154. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 781. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 784. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Davis of Floyd County, Chairman of the Committee on Education No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Education No. 1 have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 689. Do pass.

Respectfully submitted,

Davis of Floyd, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

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Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills of the House, to-wit:

House Bills Nos. 90, 280, 344, 501, 637, 712, 716, 718, 719, 721, 734, 737, 739, 743, 744, 747, 748, 717, 733.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills and resolution of the House, to-wit:

House Bills Nos. 175, 347, 372, 542, 548, 557, 588, 593, 600, 608.

House Resolution No. 45-186 A.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. McGraw of Meriwether County, Chairman of the Committee on General Judiciary No. 2, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 2 have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 763. Do not pass.

House Bill No. 777. Do pass.

Respectfully submitted,

McGraw of Meriwether, Chairman.

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

Mr. Speaker:

Your Committee on Municipal Government have had under consideration the

following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

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House Bill No. 750. Do pass.

House Bill No. 758. Do pass.

House Bill No. 764. Do pass.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Lovett of Laurens County, Chairman of the Committee on Public Highways No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Public Highways No. 1 have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 770. Do pass.

Senate Bill No. 146. Do pass.

Respectfully submitted,

Lovett of Laurens, Chairman.

Mr. Marshall of Macon County, Chairman of the Committee on Temperance, submitted the following report:

Mr. Speaker:

Your Committee on Temperance have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 731. Do pass.

Respectfully submitted,

Marshall of Macon, Chairman.

Mr. Lanham of Floyd County, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 380. Do pass by substitute.

House Bill No. 463. Do pass by substitute.

House Bill No. 666. Do not pass.

~~House Bill No. 667. Do not pass.~~

House Bill No. 676. Do pass.

House Bill No. 715. Do pass.

Respectfully submitted,

Lanham of Floyd, Chairman.

By unanimous consent, the following bills and resolutions of the House and Senate, favorably reported, were read the second time:

By Mr. Bynum of Rabun—

House Bill No. 380. A bill to be entitled an Act to amend Section 56-233 of the Code of Georgia of 1933, relating to fees to be paid by insurance companies or associations and tax on gross receipts of such companies or associations; and for other purposes.

By Mr. Bynum of Rabun—

House Bill No. 463. A bill to be entitled an Act to amend General Tax Act relative to taxation of insurance companies by substituting in lieu thereof a new paragraph providing for a three per centum tax upon gross premiums, and exempting the Farmers Mutual Insurance Companies operating in not more than four counties, and requiring insurance companies owning property to make ad valorem tax returns; and for other purposes.

By Mr. Scott of Thomas—

House Bill No. 689. A bill to be entitled an Act to adopt an official Coat of Arms and an official flag for the State of Georgia; and for other purposes.

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 694. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution to require the Fulton County Board of Education to assume certain bonded indebtedness; and for other purposes.

By Mr. Etheridge of Fulton—

House Bill No. 731. A bill to be entitled an Act to amend an Act entitled "An Act to promote temperance and prosperity for Georgia people; to foster and encourage the growing of grapes, fruits and berries on Georgia farms; to legalize the making of light domestic wines; to exempt from all taxes, wines made from crops of grapes, fruits and berries whether wild or cultivated by producers in Georgia of such crops and to provide for the holding of an election to ratify or reject this Act; and for other purposes."

By Mr. Barrett of Cherokee—

House Bill No. 750. A bill to be entitled an Act to re-incorporate the Town of Woodstock; and for other purposes.

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By Mr. Moss of Gordon—

House Bill No. 758. A bill to be entitled an Act to incorporate the Town of Oakman in the County of Gordon; and for other purposes.

By Messrs. Rogers, Lanham and Davis of Floyd—

House Bill No. 764. A bill to be entitled an Act to amend the charter of the City of Rome; and for other purposes.

By Messrs. Bush and Culpepper of Mitchell—

House Bill No. 770. A bill to be entitled an Act to amend the “Highway Mileage” Act by adding to the Traylor-Neill map a continuation of State Highway No. 93; and for other purposes.

By Mr. Hatchett of Meriwether—

House Bill No. 773. A bill to be entitled an Act to amend an Act entitled “An Act to amend an Act approved February 17, 1877, to constitute a Board of Commissioners for the county, as amended, by providing for the employment of a Clerk of the Board”; and for other purposes.

By Mr. Culpepper of Fayette—

House Bill No. 777. A bill to be entitled an Act to repeal an Act entitled “An Act to create and establish a state-wide general election in addition to those elections now provided for under existing laws, to provide how and when held; and for other purposes.”

By Mr. Douglass of Talbot—

House Bill No. 781. A bill to be entitled an Act to amend an Act entitled “An Act to abolish the offices of Tax Collector and Tax Receiver of Talbot County; to create the office of Tax Commissioner of said county, etc.” by providing that the compensation for Tax Commissioner shall be \$800.00 rather than \$1500.00 per annum; and for other purposes.

By Mr. Evans of McDuffie—

House Bill No. 784. A bill to be entitled an Act to provide the manner in which the Justices of the Peace and Notaries shall be compensated in criminal cases in McDuffie County; and for other purposes.

By Messrs. McGraw and Hatchett of Meriwether—

House Resolution No. 177-779 A. A resolution to propose to the voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City of Greenville to incur a bonded indebtedness; and for other purposes.

By Senator Cail of the 17th District—

~~Senate Bill No. 146~~ A bill to be entitled an Act to amend Section 95-1715 of the 1933 Code relating to condemnation of right of way by permitting condemnation of property for public roads to the width of 200 feet at the base and by permitting condemnation for borrow-pits; and for other purposes.

By Senator Lindsay of the 34th District—

Senate Bill No. 154. A bill to be entitled an Act to amend an Act approved August 20, 1925, etc., to authorize the election of Commissioner of Roads and Revenues for DeKalb County; and for other purposes.

By unanimous consent, the following bills of the House were read the third time and placed upon their passage:

By Mr. Swindle of Berrien—

House Bill No. 683. A bill to be entitled an Act to create and establish the City Court of Nashville in and for the County of Berrien; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Atkinson of Chatham—

House Bill No. 738. A bill to be entitled an Act to revise, alter and amend the several Acts incorporating the Town of Tybee, now known as Savannah Beach; and for other purposes.

The following Committee Substitute to House Bill No. 738, was read and adopted:

#### A BILL

To be entitled an Act to revise, alter and amend the several Acts incorporating the Mayor and Councilmen of the Town of Tybee, now known under the Act of the General Assembly approved August 1, 1929, as Savannah Beach, Tybee Island; to define the qualifications of electors thereof; to define the qualifications for Councilmen and Mayor of said Town; to provide for an election for Mayor and Councilmen of said Town to be held on May 1st, 1939; and to provide for a permanent registration for the voters of said Town, to provide for Primary Elections; and for other purposes.

#### SECTION 1.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that the Act of the General Assembly of the State of Georgia, approved August 19, 1922, entitled "An Act to amend, revise, and

consolidate the several Acts granting corporate authority to the Town of Tybee; to confer additional powers on the Mayor and Councilmen of the Town of Tybee; to define the corporate limits of said Town, and for other purposes", be and the same is hereby amended by striking from said Act Section 8 thereof and enacting in lieu thereof the following to be known as Section 8 of said Act:

"Section 8. Be it further enacted that the following persons shall be qualified and entitled to vote for Mayor and Councilmen of the Town of Tybee at elections held for that purpose: persons who shall be 21 years old, or upwards, shall on his own name and right a lot or parcel of land in said Town, the deed to which has been recorded in the office of the Clerk of the Superior Court of Chatham County, Georgia, at least sixty days prior to said election, shall be a citizen of the United States, and shall have been a resident of the State of Georgia one year next preceding said election, and shall have been a bona fide resident and domiciled in the County of Chatham six months next preceding said election, and shall have paid all poll taxes that he or she may have had an opportunity of paying agreeably to law; and in addition thereto, persons who shall be 21 years old, or upwards, who shall be a citizen of the United States and shall have resided in this State one year next preceding the election and shall have been a bona fide resident and domiciled within the corporate limits of the Town of Savannah Beach, Tybee Island, six months next preceding the election, and shall have paid all poll taxes that he or she may have had an opportunity of paying agreeably to law."

#### SECTION 2.

Be it further enacted that, hereafter in all elections for Mayor and Councilmen of said Town of Savannah Beach, Tybee Island, three of the Councilmen elected shall be bona fide residents and domiciled within the corporate limits of the Town of Savannah Beach, Tybee Island, and qualified as voters thereof; and that three of the Councilmen elected shall be bona fide residents and domiciled in Chatham County, outside of the corporate limits of the Town of Savannah Beach, Tybee Island, and shall own property at Savannah Beach, Tybee Island, and shall be qualified voters thereof. All of the Councilmen elected shall also have the qualifications prescribed by Section 2 of the Act of March 30, 1937, amending the charter of said Town. Anyone who is a qualified voter of Savannah Beach, Tybee Island, may be elected Mayor thereof, provided that he is qualified as prescribed by Section 2 of the said Act of March 30, 1937. Should a vacancy occur in the office of Mayor by death, resignation or any other cause, such vacancy shall be filled by a majority vote of said Councilmen. Should a vacancy or vacancies occur in the office of Councilmen by death, resignation or any other cause, such vacancy or vacancies shall be filled by a majority vote of said Council, provided that the Councilman elected shall be registered in the same class of electors as that of his predecessor.

#### SECTION 3.

Be it further enacted by the authority aforesaid that Section 4 of the Act of the General Assembly of the State of Georgia, approved August 19, 1922, as aforesaid, be and the same is hereby repealed.

## SECTION 4.

Be it further enacted that in view of the fact that a lawful election for Mayor and Councilmen of the Town of Savannah Beach, Tybee Island, was not held on the first Monday in April, 1938, which was the time appointed for the holding of an election for Mayor and Councilmen of said Town, and the Mayor and Councilmen who were duly elected at the election held on the preceding first Monday in April, 1936, are holding over until their successors are elected and qualified, an election for Mayor and Councilmen of said Town shall be held on the 1st day of May, 1939; and the Mayor and Councilmen of said Town who are holding over shall conduct the election in the manner set forth in the said Act of August 19, 1922; and the Mayor and Councilmen elected at this election shall hold office until the first Monday in April, 1940, and until their successors are duly elected and qualified. It being made to appear that the election for Mayor and Councilmen of said Town which was held on the first Monday in April, 1938, has been adjudged to be an unlawful election, and that the Mayor and Councilmen then elected have been ousted from office, and it being made to appear that at a subsequent election held by the Town of Savannah Beach, Tybee Island, on the 11th day of July, 1938, to determine the question whether bonds should be issued, it being doubtful as to who were the qualified electors of said Town at said bond election, two registration lists were used at said election, one being the registered voters of said Town who owned a lot or parcel of land in said Town and were qualified to vote under the eighth section of the aforesaid Act approved August 19, 1922, and another list of persons who were bona fide residents of and domiciled in the corporate limits of the Town of Savannah Beach, Tybee Island, irrespective of whether they own property in said Town or not, it is hereby enacted that the two registration lists used at said bond election shall be consolidated and the consolidated list is hereby made the registration list for the election of Mayor and Councilmen to be held hereunder on the 1st day of May, 1939, and that all persons registered in consolidated list, and none others, shall be qualified to vote at said election.

## SECTION 5.

Be it further enacted that Section 9 of the Act of the General Assembly of the State of Georgia, approved August 19th, 1922, as aforesaid, be and the same is hereby repealed.

## SECTION 6.

Be it further enacted that the consolidated list of voters as above prescribed shall be and become a permanent registration of the voters for Mayor and Councilmen of the Town of Savannah Beach, Tybee Island, and that persons who are qualified as voters of said Town who are not included on said permanent list may hereafter register and have their names added to said list during the time which the Clerk of Council shall open the registration list of voters at the Town Hall in Savannah Beach, Tybee Island 90 days prior to the first Monday in March of each year in which an election is held; which list shall be kept open from 10 o'clock A. M., until 5 o'clock P. M., each and every day, Sundays and legal holidays excepted, until 45 days prior to the first Monday in March in the year in which an

election is held when said list will be finally closed. Provided, however, that during the last 15 days, Sundays and legal holidays excepted of the above period, the Clerk of Council shall keep said list open in a place designated by the Mayor and Councilmen of the Town of Savannah Beach, Tybee Island, in the City of Savannah, Georgia, from 10 A. M., until 5 P. M., on each day in order that the duly qualified electors residing in Chatham County will have an opportunity to register in the City of Savannah instead of at Savannah Beach, Tybee Island. It shall be the duty of the Clerk of Council of said Town of Savannah Beach, Tybee Island, to submit the permanent registration list of voters and/or electors of said Town to the Board of Registrars of Chatham County, Georgia, 30 days prior to the first Monday in March of each year in which an election is held for the purpose of having said registration list purged by the said Board of Registrars of Chatham County and for the purpose of having removed from such registration list the names of all persons who may have become disqualified to vote. It shall be the duty of said Board of Registrars of Chatham County to purge said list when so submitted to them by the Clerk of Council and to remove therefrom the names of all voters and/or electors who are not qualified to vote in the election for Mayor and Councilmen of the Town of Savannah Beach, Tybee Island, to return such list of voters duly approved by the said Board to the Clerk of Council at least ten days prior to the holding of any election provided for under the terms of this Act. Such approved list of the registered and qualified electors and/or voters of the Town of Savannah Beach shall be the list of electors and/or voters eligible to vote in the next succeeding election to be held for Mayor and Councilmen of Savannah Beach. For such service the Board of Registrars of Chatham County shall receive the sum of Fifteen Dollars, to be paid out of the Treasury of the Town of Savannah Beach, Tybee Island.

#### SECTION 7.

Be it further enacted by the authority aforesaid that the Act of the General Assembly of the State of Georgia, approved August 19th, 1922, as aforesaid, be and the same is hereby amended by adding to Section 10 of said Act a paragraph known as "Section 10 A" which shall read as follows:

"Section 10 A. That it shall be the duty of the Clerk of Council, upon application in person of any person entitled to register, as aforesaid, within the time prescribed for the list to be kept open, to register the name of such person, expressing in such register his or her name, age and place of residence, within the corporate limits of the Town of Savannah Beach, Tybee Island, (providing said person shall not register under the provisions of Section 10, as aforesaid), all of which will be entered by the Clerk, opposite the name of each applicant, in a book kept for such purpose and furnished at the expense of the Town, and in every such case the following oath, which shall be administered by the Clerk, shall be subscribed by the applicant in said book: 'I do solemnly swear or affirm that I am at least 21 years of age; that I am a citizen of the United States; that I have resided continuously within the State of Georgia for one year, and have been a bona fide resident, domiciled within the corporate limits of the Town of Savannah Beach, Tybee Island, for six months all next preceding the Primary Election to be held

on the first Monday in March, 1940, and the General Election to be held on the first Monday in April, 1940; and that I have paid all poll taxes that I may have had an opportunity of paying, agreeably to law, and possess all of the qualifications of an elector as provided by Article 2, Section 1, Paragraph 2, of the Constitution of the State of Georgia, so help me God.'”

#### SECTION 8.

Be it further enacted by the authority aforesaid that Section 12 of the Acts of the General Assembly of the State of Georgia, approved August 19th, 1922, as aforesaid, be and the same is hereby repealed.

#### SECTION 9.

Be it further enacted by the authority aforesaid that on the first Monday in March, 1940, and thereafter upon the first Monday in March of each year immediately preceding the Regular General Municipal Election for Mayor and Councilmen of the Town of Savannah Beach, Primary Elections shall be held in the Town of Savannah Beach by all political parties which have a State and National organization and which desire to have candidates for Mayor and Councilmen in the next ensuing General Municipal Election fixed by law for said Town.

#### SECTION 10.

Be it further enacted by the authority aforesaid that the first Primary Election provided for under this Act shall be conducted and held under the jurisdiction and authority of three (3) impartial and disinterested umpires, who shall be selected by the Mayor and Councilmen of the Town of Savannah Beach then in office, who shall arrange and provide for all the rules and regulations and details of the Primary not herein provided for and not inconsistent with anything provided for in this Act. At said first election and at each election thereafter held under this Act, each political party of the description aforesaid, which may have candidates for Mayor and Councilmen in such election, shall submit for election an Executive Committee to be known as The Town Executive Committee of the Town of Savannah Beach, Tybee Island, such Committee to be composed of ten (10) citizens who are qualified voters of the Town of Savannah Beach under the provisions of this Act, five (5) of whom shall be actual bona fide residents who have been domiciled within the corporate limits of the Town of Savannah Beach, Tybee Island, six months prior to said election, and five (5) of whom shall be residents of Chatham County, and who own property, as described in this Act, in the Town of Savannah Beach, Tybee Island. And in future elections held under this Act, the Town Executive Committee of each political party of the description aforesaid shall have the authority to arrange and provide for all rules and regulations and details of the Primary of their respective parties, not herein provided for and not inconsistent with anything provided for in this Act.

#### SECTION 11.

Be it further enacted by the authority aforesaid that at such Primary Elections, every person qualified to vote in the next succeeding Regular General Municipal

Election, and who is further qualified under the rules of the said Executive Committee of his respective Party, shall be entitled to vote. The list of qualified registered voters of the said Town of Savannah Beach, Tybee Island, prepared by the Clerk of Council of said Town of Savannah Beach, after being duly purged and approved by the Board of Registrars of Chatham County, as provided for in Section 6 of this Act, shall be used as the list of registered and qualified voters entitled to vote in such Primary Elections, and said list shall be certified and furnished by the Clerk of Council of the Town of Savannah Beach to the Managers of such Primary Elections at the time and in the manner required by law for the furnishing of lists of voters at the Regular General Election for Mayor and Councilmen of the Town of Savannah Beach, Tybee Island.

#### SECTION 12.

Be it further enacted by the authority aforesaid, that at all such Primary Elections there shall be the same number of boxes, the same hours of voting, and the same place of voting, as provided by law for the Regular General Election for Mayor and Councilmen of the Town of Savannah Beach, Tybee Island.

#### SECTION 13.

Be it further enacted by the authority aforesaid that each candidate for the office of Councilman and Mayor shall have the necessary qualifications required by Section 1 of this Act, and that the candidate for Mayor receiving the highest number of votes in his Party shall be declared the nominee of his Party, and the three (3) Councilmen who are actual bona fide residents of the Town of Savannah Beach, Tybee Island, and the three (3) Councilmen who are residents of Chatham County, Georgia, and owning property at Savannah Beach, Tybee Island, receiving the highest number of votes in their Party, shall be declared the nominees of their Party.

#### SECTION 14.

Be it further enacted by the authority aforesaid that each political party of the description aforesaid desiring to enter candidates for Mayor and Councilmen in said elections under this Act, shall have separate ballots prepared and furnished under the supervision of the authorities in charge of the election under the terms of this Act. The official ballot of each political party of the description aforesaid shall contain in separate columns the names of the candidates for Mayor and Councilmen of such parties.

#### SECTION 15.

Be it further enacted by the authority aforesaid that the electors of the Town of Savannah Beach, Tybee Island, qualified under the provisions of Section 4 of this Act to be such electors by reason of their names being entered on said consolidated list shall be duly registered in the Voters Book at the Office of the Clerk of Council, and such Voters Book or Registration List in the Office of the Clerk of Council shall be the permanent Voters Book or Registration List, and said electors shall be considered as permanently registered, and they shall not thereafter be required to

register or further qualify. The provisions of this section apply to those persons who register and qualify under the provisions of Section 5 of this Act. No person shall remain a qualified voter and/or elector longer than he shall retain the qualification under which he registered.

#### SECTION 16.

Be it further enacted by the authority aforesaid, that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, by substitute, was agreed to.

On the passage of the bill, by substitute, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed, by substitute.

By Messrs. Yawn and Wiggins of Dodge—

House Bill No. 711. A bill to be entitled an Act to amend an Act regulating the holding of primary elections of all political parties in the County of Dodge; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Atkinson and Grayson of Chatham—

House Bill No. 757. A bill to be entitled an Act to amend the several Acts incorporating and relating to the Mayor and Aldermen of the City of Savannah; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the following bills of the Senate were read the first time, and referred to the Committees:

By Senator Howe of the 38th District—

Senate Bill No. 131. A bill to be entitled an Act to amend Code Section 9-401, defining the practice of law; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senator McGinty of the 43d District—

Senate Bill No. 155. A bill to be entitled an Act to require preparation and publication of a report of receipt and disbursements of public funds by authorities of cities, towns and counties; and for other purposes.

Referred to Committee on Counties and County Matters.

By Senators Abbot of the 18th, Brown of the 4th and Causey of the 46th Districts—

Senate Bill No. 156. A bill to be entitled an Act repealing "An Act to prescribe the manner of incorporating towns and villages in this state"; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senators Millican of the 52nd and Abbot of the 18th Districts—

Senate Bill No. 161. A bill to be entitled an Act to amend Article 13, Section 1, Paragraph 1, of the Constitution so as to provide that proposed amendments affecting only a county or municipality be submitted to the voters of such county or municipality; and for other purposes.

Referred to Committee on Amendments to Constitution No. 1.

By Senators Spivey of the 16th, Durden of the 10th, Harrell of the 7th, Cloud of the 19th and Brinson of the 42nd Districts—

Senate Bill No. 182. A bill to be entitled an Act to authorize the record owner of legal title to an interest in land as security for debt to recover trees, or their value, from any person, firm or corporation, who, without consent, buys, sells, cuts, holds, removes, disposes of, changes the form of, or otherwise converts any trees growing or grown on such lands; and for other purposes.

Referred to Committee on Municipal Government.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. McBride of Montgomery—

House Bill No. 194. A bill to amend the revenue certificate law by authorizing schools as well as counties to participate under the Acts and to define the term "Undertakings"; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the House and Senate, to-wit:

By Messrs. Atkinson, Grayson and McNall of Chatham—

~~House Bill No. 125n~~ A bill to extend the penal laws of the State to illegal practices in general elections to all primary elections; and for other purposes.

By Mr. Grice of Bibb—

House Bill No. 181. A bill to increase the membership of the Milk Control Board to seven members; and for other purposes.

By Senators Howe of the 38th, Millican of the 52nd, Harrell of the 7th, Lindsay of the 34th and Groover of the 37th Districts—

Senate Bill No. 160. A bill to repeal an Act creating the State Penal Administration Board to be known as the Board of Penal Corrections; and for other purposes.

By Senator Groover of the 37th District—

Senate Bill No. 181. A bill to amend an Act approved February 28, 1939, by striking the last sentence of Section 1, and substituting in lieu thereof a new sentence and to provide that said Act shall not apply to marriages in which both parties are 18 years of age or more; and for other purposes.

By Senator Boykin of the 29th District—

Senate Bill No. 186. A bill to repeal Section 77-509 of the 1933 Code providing for the appointment of members of the Prison and Parole Commission; and for other purposes.

By Senator McCranie of the 48th District—

Senate Bill No. 195. A bill to promote the use of cotton and cotton goods; to regulate the package of fertilizer, cement, cotton bales, etc., so as to provide for cotton cloth containers; and for other purposes.

By Senator Cail of the 17th District—

Senate Bill No. 202. A bill to propose to the qualified voters an amendment to Article 7, Section 7, Paragraph 1, of the Constitution, so as to authorize the City of Sylvania to incur a bonded indebtedness; and for other purposes.

By Senators Howe of the 38th and McGinty of the 43rd Districts—

Senate Bill No. 203. A bill providing for the retirement of any member of the Industrial Board upon having attained the age of seventy years, with fifteen or more consecutive years of service; and for other purposes.

By Senator Brooks of the 8th District—

Senate Resolution No. 48. A resolution that the first ten amendments to the United States Constitution be and the same are hereby ratified; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

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Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Sartain and Kelley of Walker—

House Bill No. 617. A bill to amend the charter of the City of Rossville providing for operation and maintenance of revenue-producing, public work; and for other purposes.

Mr. Lanham of Floyd moved that the House reconsider its action in failing to pass the following bill of the House:

By Messrs. Harvey of Upson and Trippe of Polk—

House Bill No. 435. A bill to be entitled an Act to raise revenue by levying a tax for the benefit of dependent children, etc., to repeal certain tax laws; and for other purposes.

On the motion to reconsider, Mr. Lovett of Laurens moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Beck	Etheridge of Houston	Kaigler
Bennett of Clarke	Flanders	Key
Branch	Foster	King
Bray	Fowler of Treutlen	Lanham
Brooks of Jackson	Gaines	Lanier
Carrington	Graham	Lewis
Chappell	Greene	Looper
Cheney	Grice	Merritt
Clary	Griffin	Moore of Lumpkin
Claxton	Gross of Washington	Moore of Taliaferro
Clements of Calhoun	Harrison of Crawford	Mosely
Coogler	Harrison of Jenkins	Preston
Corbett	Harvey	Roughton
Daughtry	Hatchett	Rountree
Davidson	Hayes	Sartain
Davis of Floyd	Henderson	Saunders
Dockery	Herndon	Scott
Douglass	Hill	Stiles
Drake	Jackson	Strickland of Pierce
Ennis, J. H.	Johnson	Swindle
Ennis, Marion	Jones of Richmond	Tate

Thigpen of Evans	Vickery	Yawn
Thigpen of Glascock	Wages	
Trippe	Whitaker	

Those voting in the negative were Messrs.:

Aiken	Edwards of Taylor	McDaniel
Allen	English	Middleton
Allison of Gwinnett	Etheridge of Baker	Mills
Allison of White	Etheridge of Fulton	Morgan
Almand	Evans of Laurens	Moss
Ansley	Evans of McDuffie	Pannell
Atkinson	Ferguson of Camden	Parham
Barlow	Ferguson of Sumter	Parker
Barrett	Ford	Pharr
Bell	Forrester of Crisp	Pilcher
Bennett of Ware	Forrester of Dade	Purdy
Binion	Fowler of Douglas	Ragan
Blackshear	Franklin of Bulloch	Rawlins
Blease	Gavin	Rees
Bloodworth	Gill	Reid
Boyd of Cook	Goddard	Rogers
Boyd of Greene	Gowen	Sabados
Bynum	Grant	Sams
Candler	Gross of Stephens	Sanders
Carmichael of Butts	Guyton	Smith of Schley
Carmichael of Cobb	Harden	Strickland of Haralson
Clements of Wheeler	Hinson	Sumner
Cobb	Holtzendorff	Terrell
Connell	Howard	Thornton
Conner	Joel	Tippins
Cook	Jones of Brantley	Tipton
Culpepper of Fayette	Jones of Paulding	Warren
Curry	Kendrick	Wells
Davis of Coweta	Kimbrough	Wiggins
DeFoor	Lovett	Williams of Ware
Dickerson	Marshall	Wohlwender
Drinkard	Mason	Wright
Easley	Maxwell	Yeomans
Edwards of Lowndes	McBride	

Those not voting were Messrs.:

Brooks of Oglethorpe	Clements of Marion	Goolsby
Bruce	Culpepper of Mitchell	Hardman
Bush	Dallis	Kelley
Campbell	Dean	Kennedy
Carter	Elliott	Mankin
Clark	Franklin of Polk	McCracken

McGraw	Sapp	Tomlinson
McNall	Simmons	Turner
Miller <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Smiley	Whipple
Pierce	Smith of Henry	Williams of Bacon
Rossee	Summerour	

By unanimous consent, verification of the roll call was dispensed with.

On the motion to reconsider, the ayes were 70, the nays 101.

The motion was lost.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Mr. Barrett of Cherokee—

House Bill No. 447. A bill to be entitled an Act to amend an Act creating a new charter and municipal government for the town of Canton; and for other purposes.

The following Senate Substitute to House Bill No. 447, was read and agreed to: By the Senate:

#### A BILL

To be entitled an Act to amend an Act of the General Assembly of Georgia approved on July 26th, 1922, creating a new charter and municipal government for Town of Canton, Georgia to provide for occupation and business taxes and provide for collection and regulation of same in said municipality; and for other purposes.

#### SECTION 1.

Be it enacted by the General Assembly of Georgia, and it is hereby enacted by the authority of the same that Section 45 of the Act of the General Assembly of Georgia approved on July 26th, 1922, creating a new charter for Town of Canton, Georgia, be, and the same is hereby amended by striking from said section the following clause:

“Provided that said tax shall not exceed the sum of one hundred dollars per annum upon such person, firm or corporation.” So as that when amended said section of said Act shall read as follows:

“Section 45. Be it further enacted that said mayor and council shall have power to assess and collect such special or occupation tax and license fee as they may deem proper upon each and every or any resident, business, trade, calling, profession, occupation, agency or establishment carried on within the corporate limits of said town. They may, also, regulate, license and tax by ordinance in such sums as they deem proper each itinerant, canvasser, agent or peddler who may be doing business in said town and may require such license to be had in advance; they shall have the same authority over all medicine vendors and persons giving theatrical or other like performances, exhibitions and circuses, and all amusements,

carnivals, billiard and pool tables, skating rinks, public hacks and drays, automobiles for hire, sign painters, bill posters and all persons soliciting business of any kind within the limits of said town, and all other businesses, callings or vocations which are not exempt from license under the constitution and laws of Georgia. Said Mayor and Council may provide for punishment in the Recorder's Court of said town any person failing or refusing to pay any of these said taxes or license fees and may collect such sums due by execution as other taxes due said town are collected."

## SECTION 2.

Be it further enacted that all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Messrs. Summerour and Bray of Bartow—

House Bill No. 90. A bill to be entitled an Act to amend the Several Acts creating the City Court, in the County of Bartow by abolishing the office of Solicitor of said Court and creating the office of County Prosecutor; and for other purposes.

The following Senate Substitute to House Bill No. 90, was read:

By the Senate—

## A BILL

To be entitled an Act to amend an Act entitled "An Act to establish a City Court in the County of Bartow and for other purposes" approved October 10, 1885, and all the Acts amendatory thereof, including an Act entitled "An Act to amend the Act of the General Assembly of Georgia creating the City Court of Bartow County, approved October 10, 1885, so as to abolish the Ex-officio rights of the Solicitor General of the Cherokee Judicial Circuit of said Court; to provide for the appointment of a Solicitor of said Court, to prescribe his fees; and for other purposes", approved August 1, 1904, and an Act entitled "An Act to amend an Act entitled an Act to create a City Court in the County of Bartow and for other purposes approved October 10, 1885, and the Acts amendatory thereof, to fix the costs in suits involving three hundred (\$300.00) dollars, or less, to provide for the distribution of said costs between the court officers, to provide for monthly terms of said courts, to fix the salary of the Judge of the City Court; and for other purposes approved February 17, 1937, and the Acts amendatory thereof, by repealing Sections II of said Act approved October 10, 1885, and February 17, 1937, and Sections II, III, IV, and V of said Act approved August 1, 1904, and Section XXI of said Act approved February 17, 1937, so as to abolish the office of Solicitor and said Court and create the office of County Prosecutor in lieu thereof; to provide for the length of terms, to provide for the election of and to fix the salaries of the Judge and County Prosecutor of said Court; to fix the qualifications for County Prosecutor, to define the duties of the County Prosecutor; to repeal all laws or parts of laws in conflict herewith; and for other purposes.

## SECTION I.

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Be it enacted by the General Assembly of Georgia, that Section II of the aforesaid Act of the General Assembly of Georgia, approved October 10, 1885, which reads as follows:

“SECTION II. Be it further enacted that there shall be a Judge of said City Court who shall be appointed by the Governor by and with the consent and advice of the Senate, who shall hold his office for the term of four years; all vacancies in said office shall be filled by appointment by the Governor for the balance of the unexpired term, but should a vacancy occur when the Senate shall not be in session, the Governor shall appoint to fill such vacancy and submit such appointment to the Senate which shall next thereafter convene; the Judge of said City Court shall receive a salary of six hundred dollars per annum, which shall not be diminished during his continuance in office, and which shall be paid quarterly by the Treasurer of the County of Bartow, and it shall be the duty of the Commissioner of Roads and Revenues of said County, or other proper officer, to make provision annually in levying the taxes for this purpose; the said Judge shall receive no other compensation, but may practice law in any court except his own,” the Acts amendatory thereof, and Section II of the Act amendatory thereof approved February 17, 1937, which reads as follows:

“There shall be a Judge of the said City Court, who shall be appointed by the Governor of the State by and with the consent and advice of the Senate, who shall hold his office for the term of four years. All vacancies in said office shall be filled by appointment by the Governor for the balance of the unexpired term, but should a vacancy occur when the Senate shall not be in session, the Governor shall appoint to fill such vacancy, and submit such appointment to the Senate which shall next thereafter convene. The Judge of said Court shall receive a salary of eighteen hundred (\$1800.00) dollars per annum, which shall not be diminished during his continuance in office, and which shall be paid monthly by the Treasurer of the County of Bartow, and it shall be the duty of the Commissioner of Roads and Revenues of said County, or other proper officer, annually in levying the taxes to make provision for this purpose; the said Judge shall receive no other compensation, but may practice law in any court except his own. The Judge of said Court shall have all powers and functions conferred by law upon the Judges of Superior Courts, except in matters exclusively vested in the Superior Courts or the Judges thereof, by the Constitution and laws of the State”,

are hereby amended by striking or repealing the same and re-enacting them in the following language, to-wit:

“SECTION II. There shall be a Judge of said City Court who shall be elected by the qualified voters of Bartow County, who shall hold his office for the term of four years except as hereinafter provided. All vacancies, except the vacancy created by the expiration of the four year term, shall be filled by appointments of the Governor until the first day of January after the first day of January after the General Election for members of the General Assembly held next after the

expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.

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“If the person elected at the regular elections hereinafter provided for shall die before qualifying or taking office, fail to qualify by the first day of his term, or is legally declared ineligible to hold said office, or if for any reason no regular general election has been held to elect said Judge, or no Judge was elected at said regular election, the Ordinary of the County of Bartow shall call an election to fill the vacancy in the same manner and under the same regulations as elections are called and held for filling vacancies in the office of the Clerk of the Superior Court, said election to be held within 30 days of said death, or failure to qualify or take office, or failure to hold the regular general election, or failure to elect such Judge at the regular general election, or the Judge-elect is legally declared ineligible to hold said office. The holder of the preceding term shall hold the office until the vacancy caused by death before taking office, or said failure to qualify, or failure to hold the regular general election for such Judge or failure to elect such Judge at the regular general election, is filled by the election as provided by the immediately preceding sentence hereof. The person elected at the election called by the Ordinary as hereinbefore provided for shall take office as soon after his election as he qualifies.

“An election to elect a judge of said court shall be held at the General Election at which members of the General Assembly are elected in 1940, and his term of office shall begin at the expiration of the present term of the Judge of said Court as now constituted, and shall continue until the first day of January, 1945. This Act shall not be construed as abolishing or terminating the present term of the Judge of said Court, but he shall continue in his office as Judge for the full term for which he was appointed and commissioned. Beginning with the first day of January, 1945, the term of office of the Judge of said Court shall be four years, and a Judge of said Court shall be elected at the general election in Bartow County at which members of the General Assembly are elected in 1944 and at the general election in said County at which members of the General Assembly are elected, every four years thereafter; the person elected at such elections shall take office as Judge of said Court on the first day of January next after they are elected.

“The Judge of said Court shall receive a salary of eighteen hundred (\$1800.00) dollars per annum, which shall not be diminished during his continuance in office, and which shall be paid monthly by the Treasurer of the County of Bartow, and it shall be the duty of the Commissioner of Roads and Revenues of said County, or other proper officer, annually in levying the taxes, to make provision for this purpose; the said Judge shall receive no further compensation, but may practice law in any court except his own.

“The Judge of said Court shall have all powers and functions conferred by law upon the Judges of the Superior Court, except in matters exclusively vested in the Superior Courts or the Judges thereof, by the Constitution and laws of the State.”

## SECTION II

~~Be it further enacted~~ by the authority aforesaid that Section XXI of the aforesaid Act which was approved on February 17, 1937, which reads as follows:

“Be it further enacted that it shall be the duty of the Governor of the State of Georgia to appoint from the lawyers of Bartow County who have been actively engaged in the practice of law for a period of not less than three years immediately preceding the appointment, a Solicitor for the City Court of Cartersville, which appointment shall be confirmed by the Senate, whose term of office shall be for a period of four years from the time that said appointee shall assume the duties of said Solicitor of said City Court. A new solicitor to be appointed at periods of four years succeeding the first appointment.

“Be it further enacted that the duties of said Solicitor of said City Court shall be the same as those now prescribed for the Solicitor-General of the Cherokee Judicial Circuit, and whose fees shall be the same as the Solicitor General of the Cherokee Judicial Circuit.

“Be it further enacted, that the term of office of the Solicitor of the City Court of Cartersville, created under the provisions of this Act, shall not begin until the expiration of the present term of the Solicitor-General of the Cherokee Judicial Circuit; and that the duties of the Solicitor-General of the Cherokee Judicial Circuit shall continue to be exercised by the said Solicitor-General as to the City Court of Cartersville until the expiration of his present term of office, when his duties as ex-officio Solicitor General of said City Court shall cease and the duties of the Solicitor of said City Court, appointed under this Act, shall begin”, and Sections II, III, IV and V of the Act of the General Assembly approved August 1, 1904, published in the Acts of 1904, pages 139-140, providing for a solicitor of said City Court, which read as follows, to-wit:

“Section II. Be it further enacted that it shall be the duty of the Governor of the State of Georgia to appoint from the lawyers of Bartow County who have been actively engaged in the practice of law for a period of not less than three years immediately preceding the appointment, a Solicitor for said City Court of Cartersville, which appointment shall be confirmed by the Senate, whose term of office shall be for a period of four years from the time that said appointee shall assume the duties of said solicitor of said City Court. A new solicitor to be appointed at periods of four years succeeding the first appointment.

“Section III. Be it further enacted that the duties of said Solicitor of said City Court shall be the same as those now prescribed for the Solicitor-General of the Cherokee Judicial Circuit.

“Section IV Be it further enacted that the term of office of the Solicitor of the City Court of Cartersville, created under the provisions of this Act, shall not begin until the expiration of the present term of the Solicitor-General of the Cherokee Judicial Circuit; and that the duties of the Solicitor-General of the Cherokee Judicial Circuit shall continue to be exercised by the said Solicitor-General

as to the City Court of Cartersville until the expiration of his present term of office, when his duties as ex-officio Solicitor-General of said City Court shall cease and the duties of the Solicitor of said City Court, appointed under this Act, shall begin.

“SECTION V Be it further enacted that all laws and parts of laws in conflict with this Act be and the same are, hereby repealed”, are hereby amended by striking or repealing the same and the following section passed in lieu thereof:

“SECTION XXI. There shall be a prosecuting attorney for said Court who shall be known as the ‘County Prosecutor’ who shall be elected by the qualified voters of Bartow County and shall hold office for a term of four years, except as hereinafter provided. The first county prosecutor shall be elected at the election at which members of the General Assembly are elected in said County in 1940. His term of office shall begin at the expiration of the present term of the Solicitor of said Court as now constituted and shall continue until the first day of January, 1945. This Act shall not be construed as abolishing or terminating the present term of the Solicitor of said Court, but he shall continue in his office for the full term for which he was appointed and commissioned. Beginning with the first day of January, 1945, the term of office of the County Prosecutor shall be four years, and he shall be elected and his term of office shall begin at the same time, as provided in Section One of this Act for the election of Judges of said Court, and the beginning of their terms of office. The office of County Prosecutor shall be deemed vacant when no regular general election is held to elect a successor, when no County Prosecutor was elected at such general election, when the County Prosecutor-elect dies before qualifying or taking office, or when the Prosecutor-elect is legally declared ineligible to hold the office before taking office, when he fails to qualify by the first day of his term, and under all other circumstances declared by law to create a vacancy. A vacancy occurring in the office of County Prosecutor shall be filled in the same manner and under the same rules and regulations as the same type of vacancy occurring in the office of the Judge of said Court is filled under the provisions of Section One of this Act.

“Be it further enacted that the duties of said County Prosecutor shall be the same as the Solicitor of said City Court, said County Prosecutor to take the place of and act instead of the Solicitor of said Court, the office of said Solicitor being hereby abolished to take effect at the expiration of the present term of the Solicitor of said Court. The County Prosecutor shall be paid a salary of twelve hundred (\$1200.00) dollars per annum which shall not be diminished during his term, and which shall be paid monthly by the Treasurer of the County of Bartow, and it shall be the duty of the Commissioner of Roads and Revenues of said County, or other proper officer, annually in levying the taxes, to make provisions for this purpose; the said County Prosecutor shall receive no other compensation but may practice law. The fees which have been and are paid to the Solicitor of said Court shall be paid to the Treasurer of said County after the County Prosecutor takes office under the terms of this Act, and shall become a part of the general funds of said County of Bartow.

“Be it further enacted that no person shall be eligible to be County Prosecutor of said Court unless at the time of his election or appointment he shall have attained the age of twenty-three years, and be a lawyer, and have actively engaged in the practice of law in the State of Georgia for as much as two years, and shall have been a resident of said County for as much as two years next preceding his election or appointment.

“Be it further enacted that wherever the terms ‘solicitor’ of said court is used in any Act of the General Assembly, or other law, it shall be held and deemed to mean ‘County Prosecutor’ after the first County Prosecutor takes his office under the terms of this Act.

“SECTION III. Be it further enacted, that should any one or more provisions of this Act be adjudged unconstitutional or invalid, such invalid provision shall not invalidate the whole or any part of this Act.

“SECTION IV Be it further enacted, that all Acts and parts of Acts in conflict with this Act are hereby repealed.”

Mr. Bray of Bartow asked unanimous consent that the House disagree to the Senate Substitute, and requested the appointment of a Committee of Conference thereon, and the consent was granted.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Mr. Coogler of Clayton—

House Bill No. 131. A bill to be entitled an Act to amend Section 105-1306 of the Code of Georgia of 1933 relating to recovery on part of husband and/or surviving children for wrongful death of wife or mother; and for other purposes.

The Senate moves to amend House Bill No. 131, by adding a section known as Section 2.

That all laws and parts of laws in conflict with the law be and the same are hereby repealed.

Mr. Coogler of Clayton moved that the Senate amendment be agreed to, and the motion prevailed.

The following report of the Committee on Rules was read and adopted:

Mr. Speaker:

Your Committee on Rules having had under consideration the fixing of a calendar have established as a special and continuing order of business the following:

1. House Bill No. 637. Creating a Division of Confederate Soldiers Pensions.
2. House Bill No. 124. To fix the taxable situs of intangible property.

3. House Bill No. 283. To limit number of employees of Tag Department.
4. House Bill No. 292. To limit number of inspectors of Revenue Department.
5. House Bill No. 452. To transfer supervision of Capitol Building to Parks Department.
6. House Bill No. 469. Allowing Highway Department to purchase bridges over State line.
7. House Bill No. 280. Uniform stock transfers.
8. House Bill No. 354. Fixing hunting season in certain counties.
9. House Bill No. 612. Court Bill.
10. Senate Bill No. 75. Cooperative insurance exchanges.
11. Senate Bill No. 4. Regulating the sale of amytal and luminal.
12. Senate Bill No. 33. Housing Cooperation law.
13. Senate Bill No. 34. Amending Housing Authority Act.
14. Senate Bill No. 35. Relating to housing authorities.
15. Senate Bill No. 36. Relating to housing authorities.
16. Senate Bill No. 70. Relating to housing authorities.
17. House Bill No. 277. Relating to Fire Protection.
19. House Bill No. 729. Taxing Government Authorities.
20. House Bill No. 730. Taxing Government Authorities.
21. House Bill No. 342. Fulton Judgeship.
22. House Bill No. 219. Compulsory Education Bill.
23. House Bill No. 446. Salary Reduction.

Gross of Stephens, Vice-Chairman.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Mr. McBride of Montgomery—

House Bill No. 194. A bill to be entitled an Act to amend the Revenue-Certificate law, by authorizing school districts as well as counties, cities and towns to participate under this Act; and for other purposes.

The following Senate Substitute to House Bill No. 194, was read and agreed to:

By the Senate—

## A BILL

To be entitled and Act to amend the "Revenue-Certificate Law of 1937" (Georgia Laws 1937, pages 761-774) authorizing counties, cities and towns to acquire, construct, improve, etc., certain revenue producing undertakings and issue negotiable certificates repayable from revenue, by authorizing school districts to enjoy the benefits of said law, and by enlarging the meaning of the term "undertaking" so as to include dormitories, laboratories, libraries and other related facilities, and parks, golf links and fairways, tennis courts, swimming pools, playgrounds, athletic fields, grandstands and stadiums and buildings to be used for various types of sports, including baseball and football, buildings to be constructed and used for the housing of exhibits and fairs for educational purposes; buildings to be used for the housing of livestock, horses, cattle, swine, poultry and agricultural exhibits for exhibition purposes; the erection and construction of buildings to be used for amusement purposes or educational purposes or a combination of the two; and also such buildings to be used for fairs, expositions or exhibitions in connection therewith; by amending subsection (d) of Section 3, relating to the power of a municipality, as defined in the Act, to pledge revenues from undertakings to the payment of revenue certificates, so as to provide that municipalities may fix the value of existing undertakings and pledge to the payment of revenue anticipation certificates and interest thereon such part of the revenue of such undertaking as the cost of the reconstruction improvement, betterment and expense of the undertaking bears to the said cost plus the value of the existing undertaking before improvement and extension; to amend Section 13 of said Act relating to the validation of the issuance of revenue certificates and the manner of taking exceptions to judgments thereon, by adding a proviso authorizing the valuation of existing undertakings and the review of such valuations; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia:

## SECTION 1.

That Section 2 of the "Revenue-Certificate Law of 1937" (Georgia Laws 1937, pages 761-774) which section defines the term "undertaking", be and the same is hereby amended by adding at the end of subsection (a) (3) two additional subsections enlarging and adding to the meaning of the term "undertaking" as follows:

"(4) Dormitories, laboratories, libraries and other related facilities.

(5) Parks, golf links and fairways, tennis courts, swimming pools, playgrounds, athletic fields, grandstands and stadiums, and buildings to be used for various types of sports, including baseball and football, buildings to be constructed and used for the housing of exhibits for fairs and educational purposes; buildings to be used for the housing of livestock, horses, cattle, swine, poultry and agricultural exhibits for exhibition purposes; the erection and construction of buildings to be used for amusement purposes or educational purposes or a combination of the two; and also such buildings to be used for fairs, expositions or exhibitions in connection therewith";

and by amending subsection (b) of said Section 2 as follows: by adding between the words "any" and "county" in said subsection the words "school district", so that said Section 2 of said Act as amended shall read as follows:

"Section 2. Definitions. Wherever used in this Act, unless a different meaning clearly appears from the context:

(a) The term 'undertaking' shall include the following revenue-producing undertakings or any combination of two or more of such undertakings, whether now existing or hereafter acquired or constructed:

(1) Causeways, tunnels, viaducts, bridges, and other crossings;

(2) Highways, parkways, airports, docks, piers, wharves, terminals and other facilities;

(3) Systems, plants, works, instrumentalities, and properties: (i) used or useful in connection with the obtaining of a water supply and the conservation, treatment and disposal of water for public and private uses (ii) used or useful in connection with the collection, treatment and disposal of sewage, waste and storm water; together with all parts of any such undertaking and all appurtenances thereto, including lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, sewage disposal plants, intercepting sewers, trunk connecting and other sewer and water mains, filtration works, pumping stations, and equipment.

(4) Dormitories, laboratories, libraries and other related facilities.

(5) Parks, golf links and fairways, tennis courts, swimming pools, playgrounds, athletic fields, grandstands and stadiums, and buildings to be used for various types of sports, including baseball and football, buildings to be constructed and used for the housing of exhibits for fairs and educational purposes; buildings to be used for the housing of livestock, horses, cattle, swine, poultry and agricultural exhibits for exhibition purposes; the erection and construction of buildings to be used for amusement purposes or educational purposes or a combination of the two; and also such buildings to be used for fairs, expositions or exhibitions in connection therewith.

(b) The term 'municipality' shall mean any school district, county, city or town of the State.

(c) The term 'governing body' shall mean the board, commission, council, or other local legislative body of a municipality."

## SECTION 2.

That subsection (d) of Section 3 of said Act, which section relates to the power of a municipality, as defined in the Act. to pledge revenues derived from undertakings to the payment of revenue anticipation certificates, be and the same is hereby amended by adding at the end of said subsection a new subsection to be numbered "d-1" as follows:

"To fix the value of existing undertakings at the time the school district, county, city or town desires to reconstruct, improve, better or extend such undertaking, and to pledge to the payment of the revenue anticipation certificates and the interest thereon, issued for said undertaking under this Act such part of the revenues of such undertaking as the cost of the reconstruction, improvement, betterment, or extension of the undertaking bears to the said cost plus the value of the existing undertaking before reconstruction, improvement, betterment or extension. The provisions of this subsection shall not be construed to restrict or limit the powers granted in subsection (d) of Section 3."

### SECTION 3.

That Section 13 of said Act, relating to the validation of the issuance of revenue certificates and the manner of taking exceptions to the judgments thereon, be and the same is hereby amended by adding at the end of said Section the following:

"Whenever the authorities of a school district, county, city or town shall value existing undertakings under the provisions of subsection 'd-1' of this Act, the Superior Courts may review the action of such school district, county, city or town authorities in fixing the said value, which review shall be had in the proceedings to validate the revenue anticipation certificates issued under this Act."

### SECTION 4.

All laws or parts of laws in conflict with this Act are hereby repealed.

Under the order of business established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Mr. Culpepper of Fayette—

House Bill No. 637. A bill to be entitled an Act to create a State Division of Confederate Soldiers' Pensions; and for other purposes.

The following Committee Substitute to House Bill No. 637, was read and adopted:

### A BILL

To be entitled an Act to create a State Division of Confederate Pensions and Records; to prescribe and limit the personnel; to fix their powers and duties, and to transfer all powers and duties in connection with Confederate Pensions and Records now exercised by the State Department of Public Welfare; to limit the expense of this Division; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same:

### SECTION 1.

There is hereby created a State Division of Confederate Pensions and Records which shall consist of a director, a secretary and a bookkeeper. These three shall constitute the entire personnel of this Division.

## SECTION 2.

The director shall be the keeper of all the records and shall be the executive and judicial head of this Division, who shall be appointed by the Governor and shall hold office at the pleasure of the Governor, and shall have the authority to select a secretary and bookkeeper with the approval of the Governor. The salaries of all the personnel of this Division shall be fixed by the Governor.

## SECTION 3.

The expense, including salaries, of this Division shall be paid from the funds appropriated for the payment of pensions to Confederate veterans and their widows, but shall in no event exceed the sum of \$7,000.00 per annum.

## SECTION 4.

All of those duties and powers which have heretofore devolved upon the Veterans' Service Office and the director of the Veterans' Service Office under and by virtue of Chapter 78-2 of the Code of 1933, and all those duties and powers which have heretofore devolved upon the State Department of Public Welfare under and by virtue of Chapter 99-4 of the Code of 1933, are hereby vested in the State Division of Confederate Pensions and Records, and hereafter all those functions pertaining to said ex-Confederate soldiers and sailors and their widows are hereby designated as the powers and duties of the State Division of Confederate Pensions and Records, and

said Division is hereby vested with the responsibility of administering the laws and functions pertaining to said ex-Confederate soldiers and sailors and their widows.

## SECTION 5.

That all laws and clauses of laws in conflict with this Act be, and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, by substitute, was agreed to.

On the passage of the bill, Mr. Culpepper of Fayette moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Bennett of Clarke	Boyd of Greene
Allison of White	Bennett of Ware	Bray
Almand	Binion	Brooks of Jackson
Ansley	Blackshear	Bynum
Barlow	Blease	Candler
Barrett	Bloodworth	Carmichael of Butts
Bell	Boyd of Cook	Carrington

Cheney	Grice	Parham
Clark	Griffin	Parker
Clements of Calhoun	Gross of Stephens	Pharr
Clements of Marion	Gross of Washington	Pilcher
Clements of Wheeler	Guyton	Preston
Cobb	Harden	Purdy
Connell	Harrison of Jenkins	Ragan
Coogler	Harvey	Rawlins
Cook	Hayes	Rees
Culpepper of Fayette	Herndon	Rogers
Curry	Hinson	Rossee
Davidson	Holtzendorff	Roughton
Davis of Floyd	Howard	Rountree
Dickerson	Jackson	Sabados
Dockery	Joel	Sams
Douglass	Jones of Paulding	Sanders
Drinkard	Jones of Richmond	Sapp
Easley	Kelley	Sartain
Edwards of Lowndes	Kendrick	Saunders
Edwards of Taylor	Kennedy	Scott
English	Key	Smiley
Ennis, J. H.	Kimbrough	Smith of Henry
Ennis, Marion	King	Smith of Schley
Etheridge of Baker	Lanham	Stiles
Etheridge of Fulton	Looper	Strickland of Haralson
Etheridge of Houston	Lovett	Tate
Evans of Laurens	Mankin	Thigpen of Evans
Evans of McDuffie	Marshall	Thornton
Ferguson of Camden	Mason	Tippins
Ferguson of Sumter	Maxwell	Tipton
Flanders	McBride	Trippe
Forrester of Crisp	McCracken	Vickery
Forrester of Dade	McDaniel	Wages
Foster	McGraw	Warren
Fowler of Douglas	McNall	Wells
Franklin of Bulloch	Merritt	Whipple
Franklin of Polk	Miller	Whitaker
Gaines	Mills	Williams of Bacon
Gavin	Moore of Lumpkin	Williams of Ware
Gill	Moore of Taliaferro	Wohlwender
Goddard	Morgan	Wright
Gowen	Mosely	Yawn
Graham	Pannell	Yeomans

Those voting in the negative were Messrs.:

Clary	Harrison of Crawford	Thigpen of Glascock
DeFoor	Jones of Brantley	

Those not voting were Messrs.:

Allen	Daughtry	Lanier
Allison of Gwinnett	Davis of Coweta	Lewis
Atkinson	Dean	Middleton
Beck	Drake	Moss
Branch	Elliott	Pierce
Brooks of Oglethorpe	Ford	Reid
Bruce	Fowler of Treutlen	Simmons
Bush	Goolsby	Strickland of Pierce
Campbell	Grant	Summerour
Carmichael of Cobb	Grayson	Sumner
Carter	Greene	Swindle
Chappell	Hardman	Terrell
Claxton	Hatchett	Tomlinson
Conner	Henderson	Turner
Corbett	Hill	Wiggins
Culpepper of Mitchell	Johnson	
Dallis	Kaigler	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, by substitute, the ayes were 150, the nays 5.

The bill having received the requisite constitutional majority was passed, by substitute.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

Under the order of business established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time.

By Mr. Key of Jasper—

House Bill No. 124. A bill to be entitled an Act to fix the taxable situs of intangible trust property; and for other purposes.

The following Committee amendment to House Bill No. 124, was read and adopted:

The Committee moves to amend House Bill No. 124 by inserting after the word property in the 2nd line of Section 1 the words "which trust was or is created by a resident of this State"

The report of the Committee, which was favorable to the passage of the bill, as amended, was agreed to.

On the passage of the bill, as amended, the ayes were 115, the nays 3.

The bill having received the requisite constitutional majority was passed, as amended.

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By Mr. Trippe of Polk—

House Bill No. 283. A bill to be entitled an Act to limit the number of employees in the Tag Division of the Revenue Department; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 112, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Swindle of Berrien—

House Bill No. 292. A bill to be entitled an Act to limit the number, salaries, and expenses of General Inspectors in the State Revenue Department; and for other purposes.

The following Committee amendment to House Bill No. 292, was read and adopted:

The Committee moves to amend House Bill No. 292 by adding a new subsection to be Sub-Section four to Section one as follows:

“The limitation as to the number of general inspectors shall not apply to nor include auditors employed and actually engaged in auditing income tax returns, county tax collectors, wholesale bonded and/or licensed gasoline dealers, wine, beer, cigar and cigarette dealers”

The report of the Committee which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 126, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

The Speaker, Honorable Roy V Harris, asked unanimous consent for a leave of absence for two or three days, on account of the illness of his wife, and the consent was granted.

By Mr. Thigpen of Glascock—

House Bill No. 452. A bill to be entitled an Act to amend an Act to create a Department of Natural Resources, and four subdivisions thereof; and for other purposes.

The following amendment to House Bill No. 452, was read and adopted:

Mr. Carmichael of Cobb moves to amend Section 2 of House Bill No. 452 by

changing the period at the end thereof to a comma and adding the following language:

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“Provided that said Custodian shall not be paid more than eighteen hundred dollars per year for his services as Custodian.”

and further moves to amend the caption accordingly.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 118, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

By Messrs. Harris of Richmond, Gross of Stephens, Drake of Seminole, Hayes of Miller, Jones of Brantley, Simmons of Decatur, Parker of Colquitt, Rawlins of Telfair, Gavin of Clay, Forrester of Crisp and Mills of Decatur—

House Bill No. 469. A bill to be entitled an Act to authorize the State Highway Board of Georgia in connection with adjoining states or counties of adjoining states to purchase bridges across streams on the State line; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 126, the nays 1.

The bill having received the requisite constitutional majority was passed.

Mr. Reid of Carroll requested that the Journal show that he voted against the passage of the bill.

By Messrs. Harris of Richmond and Parker of Colquitt—

House Bill No. 280. A bill to be entitled an Act to define shares of stock and certificates of stock in corporations; and for other purposes.

The following amendment to House Bill No. 280, was read and adopted:

Mr. Parker of Colquitt moves to amend House Bill No. 280 by striking from the last sentence in Section 17 the word “not” so that said sentence as amended shall read as follows:

“The issue of a new certificate under an order of the court as provided in this Section shall relieve the corporation from liability in damages to a person to whom the original certificate has been or shall be transferred for value without notice of the proceedings or of the issuance of the new certificate.”

The report of the Committee which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 112, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

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The following resolution of the House was read and adopted:

By Messrs. Lanier and Jones of Richmond, Hayes of Miller, Carmichael of Cobb, and Lanham of Floyd—

House Resolution No. 182.

#### A RESOLUTION

WHEREAS, it has been brought to the attention of this House that the wife of the Speaker is seriously ill, and has been carried to the hospital in Augusta, Georgia; and,

WHEREAS, the Honorable Roy V Harris, the Speaker has been called home to be with his wife;

BE IT THEREFORE RESOLVED, that this House extends to the Speaker its sincere sympathy and wishes for Mrs. Roy V Harris a speedy recovery.

Be it further resolved that the thoughts of each member of the House will be with the Speaker during the absence and with the Speaker's wife until she has fully recovered from her illness, and that the House is mindful of the trying hardships under which the Speaker has been working during this Session of the General Assembly.

Be it further resolved that each member of the House hereby extends to the Speaker his personal services to help in carrying out any of the duties of the Speaker during his absence.

By unanimous consent, a copy of the resolution was ordered telegraphed to Honorable Roy V Harris at Augusta, Georgia.

Under the order of business established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Messrs. Gowen of Glynn, Ferguson of Camden, Yeomans of Wayne, Vickery of Charlton, DeFoor of McIntosh, Gill of Bryan, Smiley of Liberty and Hill of Screven—

House Bill No. 354. A bill to be entitled an Act to amend Sections 45-308 and 45-310 of the Code of Georgia providing for an open season for the hunting, so as to provide a different date for the commencement of the open season for the hunting of game in certain territory of this State; and for other purposes.

The following amendments to House Bill No. 354, were read and adopted:

Mr. Bennett of Ware moves to amend House Bill No. 354, Section one (1) so as to include Ware County and to amend the caption accordingly.

Mr. Hill of Screven moves to amend House Bill No. 354 by adding Screven County to the territory included in this bill and to amend caption accordingly.

Messrs. Rawlins of Telfair and Hinson of Jeff Davis move to amend House Bill No. 354 by adding Telfair and Jeff Davis Counties to Section one of said bill and also in the caption thereof.

Mr. Aiken of Bulloch moves to amend House Bill No. 354 by adding Bulloch County to the territory embraced and included in this Bill, and to amend the caption accordingly.

The report of the Committee which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 106, the nays 15.

The bill having received the requisite constitutional majority was passed, as amended.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By unanimous consent, it was the sense of the House to hold a night session tonight and to stay in session on Saturday.

By unanimous consent, the following bill of the Senate was read and referred to the Committee:

By Senators Howe of the 38th and McGinty of the 43rd Districts—

Senate Bill No. 203. A bill to be entitled an Act providing for the retirement of any member of the Industrial Board upon having attained the age of seventy years, with fifteen or more consecutive years of service; and for other purposes.

Referred to Committee on Industrial Relations.

Mr. Guyton of Effingham moved that the House recess for one hour, and the motion prevailed.

2:00 o'clock, P M.

The Speaker Pro-Tem called the House to order.

Mr. Evans of McDuffie moved that the following resolution of the House be taken up for consideration:

By Messrs. Evans of McDuffie, Drinkard of Lincoln, Flanders of Emanuel, DeFoor of McIntosh, Jones of Brantley and Fowler of Treutlen—

House Resolution No. 56-241 b. A resolution to inquire into the office conduct of Honorable William Woodrum, Judge of the Ogeechee Judicial Circuit; and for other purposes.

The Speaker Pro-Tem ruled the motion out of order on the grounds that an order of business had already been established by the Committee on Rules.

Mr. Evans of McDuffie appealed from the ruling of the Chair.

On the appeal, the ayes were 102, the nays 8, and the ruling of the Chair was upheld, as the sense of the House.

By unanimous consent, the following Committee Reports were read:

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bills of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 756. Do pass.

House Bill No. 766. Do pass.

House Bill No. 767. Do pass.

House Bill No. 775. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 785. Do pass.

House Bill No. 669. Do pass.

House Bill No. 780. Do pass.

House Bill No. 782. Do pass.

House Bill No. 774. Do pass.

Senate Bill No. 189. Do pass by substitute.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. J. H. Ennis of Baldwin County, Chairman of the Committee on Special Appropriations, submitted the following report:

Mr. Speaker:

Your Committee on Special Appropriations have had under consideration the following bills and resolutions of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Resolution No. 138-512 A. Do pass as amended.

~~House Bill No. 552.~~ Do not pass.

House Bill No. 595. Do pass.

House Bill No. 707. Do pass.

House Resolution No. 113-436 B. Do pass.

House Bill No. 441. Do pass.

House Bill No. 465. Do pass.

Respectfully submitted,

J. H. Ennis of Baldwin, Chairman

Mr. Hayes of Miller County, Chairman of the Committee on Special Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Special Judiciary have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 620. Do pass.

House Bill No. 709. Do pass.

House Bill No. 783. Do pass.

Senate Bill No. 88. Do pass.

Senate Bill No. 7. Do pass.

Respectfully submitted,

Hayes of Miller, Chairman.

By unanimous consent, the following bills and resolutions of the House and Senate, favorably reported, were read the second time:

By Mr. Carmichael of Butts—

House Bill No. 441. A bill to be entitled an Act to appropriate to the State Military Department the sum of \$5,000.00 to be used to compensate parents of Privates Terrell A. Maddox and Paul J. Evans, Jr., for their deaths while in the line of official duty; and for other purposes.

By Mr. Harrison of Jenkins—

House Bill No. 465. A bill to be entitled an Act authorizing the State Board of Public Welfare to purchase the Bon Air Hotel property at Augusta; and for other purposes.

By Messrs. Fowler of Treutlen, Williams and Bennett of Ware, Wiggins of Dodge, Williams of Bacon, Whitaker of Appling, Hinson of Jeff Davis, Thigpen of Evans, and Ferguson of Camden—

House Bill No. 595. A bill to be entitled an Act to appropriate to the Department of Natural Resources for use of the Division of Forestry in forest fire protection the sum of \$75,000 per annum for 1939-1940 and 1940 and 1941; and for other purposes.

By Mr. Claxton of Johnson—

House Bill No. 620. A bill to be entitled an Act to regulate the sale, storage, offering, or exposing for sale of fireworks; and for other purposes.

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 669. A bill to be entitled an Act to amend an Act incorporating the City of Hapeville so that the Mayor and Council shall have power by ordinance or resolution to allow taxes to be paid in installments on such duties as it may designate; and for other purposes.

By Messrs. Bennett of Ware, Coogler of Clayton, Rossee of Putnam, Lovett of Laurens and Wiggins of Dodge—

House Bill No. 707. A bill to be entitled an Act to appropriate \$25,000.00 to the Commissioner of the Department of Natural Resources for the purpose of renovating, repairing, preserving and displaying natural resources; and for other purposes.

By Messrs. Branch of Tift, Sumner of Worth and Swindle of Berrien—

House Bill No. 709. A bill to be entitled an Act to amend an Act approved March 31, 1937, Georgia Laws 1937, Page 716 et sequentia, by providing that all persons selling or buying livestock shall do so by bill of sale; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 756. A bill to be entitled an Act to amend an Act entitled "An Act to create of Board of County Commissioners for Gwinnett County and to prescribe and define the powers and duties thereof"; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 766. A bill to be entitled an Act to provide for retirement of teachers and other employees in County School Systems in Counties of a certain population; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 767. A bill to be entitled an Act to provide for Civil Service of the teachers and other employees of the County School Systems in Counties of a certain population; and for other purposes.

By Messrs. Sabados and Allen of Dougherty—

House Bill No. 774. A bill to be entitled an Act to provide that in any city in Georgia having a certain population the governing body, or the body of persons in charge of the business and fiscal affairs of the municipality shall be authorized and have authority to take over by deed, lease, contract, agreement, grant or otherwise, the operation and maintenance of any hospital now in existence, or now maintained and/or located in said municipality; and for other purposes.

By Mr. Carrington of Barrow—

House Bill No. 775. A bill to be entitled an Act to create a Board of Commissioners of Roads and Revenues for the County of Barrow; and for other purposes.

By Mr. Tippins of Wilcox—

House Bill No. 780. A bill to be entitled an Act to amend the Charter for the Town of Abbeville; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 782. A bill to be entitled an Act to amend an Act creating a new Charter for the City of Decatur; and for other purposes.

By Messrs. Hatchett and McGraw of Meriwether—

House Bill No. 783. A bill to be entitled an Act to repeal an Act providing for the holding of four terms of the Superior Court of Meriwether County each year; and for other purposes.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 785. A bill to be entitled an Act to amend the Charter of the City of Doerun in Colquitt County; and for other purposes.

By Mr. Coogler of Clayton—

House Resolution No. 113-436 B. A resolution to compensate Robert Coleman for time spent in chaingang; and for other purposes.

By Mr. Etheridge of Fulton—

House Resolution No. 138-512 A. A resolution authorizing the State of Georgia to refund certain tax monies illegally paid the State by M. C. Kiser Co., a Fulton County Corporation; and for other purposes.

By Senators Howe of the 38th and McGinty of the 43rd Districts—

Senate Bill No. 7. A bill to be entitled an Act to amend Paragraph D of Section 114-413 of the Code of Georgia of 1933, by striking from said Paragraph the last sentence; and for other purposes.

By Senator Sanders of the 36th District—

Senate Bill No. 88. A bill to be entitled an Act to provide that the salary of

the Deputy Clerk of the Court of Appeals shall be the same as the salary of the Deputy Clerk of the Supreme Court; and for other purposes.

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By Senator Manning of the 39th District—

Senate Bill No. 189. A bill to be entitled an Act to amend an Act authorizing the Mayor and Council of Marietta to have held by the qualified voters an election to determine whether or not bonds shall be issued; and for other purposes.

By unanimous consent, the following Senate bills and resolution were read the first time and referred to the Committees:

By Senators Howe of the 38th, Millican of the 52nd, Harrell of the 7th, Lindsay of the 34th, and Groover of the 37th Districts—

Senate Bill No. 160. A bill to be entitled an Act repealing the Act creating the State Penal Administration Board, and creating the Board of Penal Corrections, to provide the number of members to compose said Board; and for other purposes.

Referred to Committee on Penitentiary.

By Senator Groover of the 37th District—

Senate Bill No. 181. A bill to be entitled an Act amending an Act approved February 28, 1939, which amended Section 53-208 of the Code of 1933, by striking the last sentence of Section 1 of said Act and substituting in lieu thereof a new sentence so as to provide that from the recovery court costs and attorney's fees be first paid, and one-third of the remainder shall be paid to the person bringing the suit; and for other purposes.

Referred to Committee on General Judiciary No. 2.

By Senator Boykin of the 29th District—

Senate Bill No. 186. A bill to be entitled an Act repealing a Section of the Code of 1933 relating to the appointment of members of the Prison and Parole Commission; by providing for the election of said member by the people; and for other purposes.

Referred to Committee on Penitentiary.

By Senator McCranie of the 48th District—

Senate Bill No. 195. A bill to be entitled an Act to promote the use of cotton and cotton goods; to regulate the package of fertilizer, cement, cotton, cotton bales; and for other purposes.

Referred to Committee on General Agriculture No. 1.

By Senator Cail of the 17th District—

Senate Bill No. 202. A bill to be entitled an Act to propose to the qualified voters an amendment to Article 7, Section 7, Paragraph 1, of the Constitution, so as

to authorize the City of Sylvania to incur a bonded indebtedness; and for other purposes.

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Referred to Committee on Amendments to Constitution No. 2.

By Senator Brooks of the 8th District—

Senate Resolution No. 48. A resolution providing that the first ten amendments of the United States Constitution be and the same are hereby ratified; and for other purposes.

Referred to Committee on Amendments to Constitution No. 1.

Under the order of business established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Messrs. Grice of Bibb and Whipple of Bleckley—

House Bill No. 612. A bill to be entitled an Act to regulate the procedure in certain civil actions in the Superior Courts; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 24, the nays 85.

The bill having failed to receive the requisite constitutional majority was lost.

Mr. Atkinson of Chatham asked unanimous consent that action on the following bill of the Senate be postponed due to the absence of the Speaker, and the consent was granted.

By Senator Millican of the 52nd District—

Senate Bill No. 4. A bill to be entitled an Act regulating the sale, giving away or bartering of amatol, vernal, luminol, or other similar drugs which have a base or are derived from Barbital, Barbiturates and Barbituric Acid; and for other purposes.

By unanimous consent, Senate Bill No. 75 was substituted for House Bill No. 293 on the order of business established by the Committee on Rules, same being an identical bill.

Under the order of business established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senator Brown of the 4th District—

Senate Bill No. 75. A bill to be entitled an Act to authorize the incorporation of Co-operative Insurance Exchanges by manufacturing companies for the purpose of insuring against loss of use and occupancy of plants caused by shut downs arising from economic causes; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 33. A bill to be entitled an Act to amend the Housing Co-operation Law; and for other purposes.

The main question was ordered.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

Mr. Conner of Dooly moved that the House reconsider its action in ordering the main question, and the motion prevailed.

Mr. Claxton of Johnson moved that further consideration be postponed until Tuesday, March 14th, 1939, and the motion prevailed.

By unanimous consent, the following bills of the Senate were postponed until Tuesday, March 14th, 1939.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 35. A bill to be entitled an Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, of such housing authorities; and for other purposes.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 36. A bill to be entitled an Act confirming certain bonds and obligations of any State authority created by the General Assembly; and for other purposes.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 70. A bill to be entitled an Act amending an Act approved March 30, 1937, with reference to the creation of the Housing Authority in this State, defining their powers; and for other purposes.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 34. A bill to be entitled an Act to amend an Act entitled "Housing Authority Law" to re-define "governing body" and "area of population"; and for other purposes.

Under the order of business established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Mr. Fowler of Treutlen—

~~House Bill No. 277.~~ A bill to be entitled an Act to amend Section 92-3701 of the Code of Georgia of 1933 by authorizing the several counties to levy a tax each year for the conservation of natural resources, including fire protection of forest lands; and for other purposes.

The main question was ordered.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, Mr. Bennett of Ware moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allen	Dallis	Grice
Allison of Gwinnett	Daughtry	Griffin
Allison of White	Davidson	Gross of Stephens
Atkinson	Davis of Coweta	Gross of Washington
Barlow	Davis of Floyd	Guyton
Barrett	DeFoor	Harrison of Crawford
Bell	Dockery	Harrison of Jenkins
Bennett of Clarke	Easley	Harvey
Bennett of Ware	Edwards of Taylor	Hatchett
Blackshear	Ennis, Marion	Hayes
Bloodworth	Etheridge of Baker	Henderson
Boyd of Greene	Etheridge of Fulton	Herndon
Branch	Etheridge of Houston	Hill
Bray	Evans of Laurens	Hinson
Brooks of Jackson	Evans of McDuffie	Howard
Bynum	Ferguson of Camden	Jackson
Candler	Ferguson of Sumter	Joel
Carmichael of Butts	Flanders	Jones of Brantley
Carrington	Ford	Jones of Paulding
Chappell	Forrester of Crisp	Kelley
Cheney	Foster	Kendrick
Claxton	Fowler of Douglas	Kennedy
Clements of Calhoun	Fowler of Treutlen	Key
Clements of Wheeler	Franklin of Bulloch	Kimbrough
Cobb	Franklin of Polk	Lanham
Connell	Gaines	Lovett
Conner	Gavin	Mankin
Cook	Goddard	Marshall
Corbett	Gowen	Mason
Culpepper of Fayette	Graham	Maxwell
Curry	Greene	McBride

McCracken	Rogers	Sumner
McDaniel	Rossee	Tate
McNall	Roughton	Terrell
Merritt	Rountree	Thornton
Middleton	Sabados	Tippins
Mills	Sams	Tipton
Moore of Lumpkin	Sanders	Vickery
Moore of Taliferro	Sapp	Wells
Morgan	Sartain	Whipple
Pannell	Scott	Whitaker
Pilcher	Smiley	Wiggins
Purdy	Smith of Henry	Williams of Bacon
Ragan	Smith of Schley	Williams of Ware
Rawlins	Stiles	Wohlwender
Rees	Strickland of Haralson	Yawn
Reid	Strickland of Pierce	

Those voting in the negative were Messrs.:

Ansley	Drinkard	Parham
Boyd of Cook	Harden	

Those not voting were Messrs.:

Aiken	Drake	Miller
Almand	Edwards of Lowndes	Mosely
Beck	Elliott	Moss
Bennett of Clarke	English	Parker
Binion	Ennis, J. H.	Pharr
Blease	Forrester of Dade	Pierce
Brooks of Oglethorpe	Gill	Preston
Bruce	Goolsby	Saunders
Bush	Grant	Simmons
Campbell	Grayson	Summerour
Carmichael of Cobb	Hardman	Swindle
Carter	Holtzendorff	Thigpen of Evans
Clark	Johnson	Thigpen of Glascock
Clary	Jones of Richmond	Tomlinson
Clements of Marion	Kaigler	Trippe
Coogler	King	Turner
Culpepper of Mitchell	Lanier	Wages
Dean	Lewis	Warren
Dickerson	Looper	Wright
Douglass	McGraw	Yeomans

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 120, the nays 5.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

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The following report of the Committee on Rules was read and adopted:

March 9th, 1939.

The Committee on Rules establishes the following order of business for the night session:

- House Bill No. 301. Evans County.
- House Bill No. 507. DeKalb County.
- House Bill No. 284. Oglethorpe County.
- House Bill No. 328. Fulton County.
- House Bill No. 322. Tattnall County.
- House Bill No. 493. Bulloch County.
- House Bill No. 556. Walker County.
- House Bill No. 745. Newton and Jasper Counties.
- House Bill No. 473. Fulton County.
- House Bill No. 266. Walton County.
- House Bill No. 517. DeKalb County.

At the conclusion of the consideration of these bills all remaining general bills of local application will be taken up in their numerical order.

Gross of Stephens, Vice-Chairman.

The following resolution of the House was read and referred to the Committee on Rules:

By Mr. Atkinson of Chatham—

House Resolution No. 183. A resolution setting a limit on debate by authors of bills to fifteen minutes and on personal privileges to ten minutes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

Then Senate insists on its substitute to the following bill of the House, to-wit:

By Messrs. Summerour and Bray of Bartow—

House Bill No. 90. A bill to amend the several Acts creating the City Court of the County of Bartow by abolishing the office of Solicitor and creating the office of County Prosecutor; and for other purposes.

The Speaker Pro-Tem appointed as a Committee on Conference on the part of the House to confer with a like Committee on the part of the Senate, on House Bill No. 90 local Bartow County Bill, the following members of the House, to-wit:

Messrs. Bray of Bartow,  
Sabados of Dougherty, and  
Williams of Ware.

Under the order of business established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time:

By Messrs. Stiles of Fannin and Sartain of Walker—

House Bill No. 729. A bill to be entitled an Act to provide for the special taxation by the State and by the counties, school districts, etc., on the generation, sale or distribution of electricity, where properties are exempt from ad valorem taxation; and for other purposes.

Mr. Conner of Dooly moved the previous question, the motion prevailed, and the main question ordered.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Messrs. Stiles of Fannin and Sartain of Walker—

House Bill No. 730. A bill to be entitled an Act to provide for the ad valorem taxation of property owned by corporations organized under the Laws of the United States, engaged in proprietary as distinguished from governmental activities in this State; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 115, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By unanimous consent, the following Committee Reports were read:

Mr. Chappell, of Sumter County, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

Your Committee on Motor Vehicles have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

- House Bill No. 230. Do not pass.
- House Bill No. 303. Do not pass.
- House Bill No. 424. Do not pass.
- House Bill No. 510. Do not pass.
- House Bill No. 631. Do not pass.
- House Bill No. 710. Do not pass.
- House Bill No. 173. Do pass by substitute.
- House Bill No. 678. Do pass.
- House Bill No. 778. Do pass as amended.
- Senate Bill No. 102. Do not pass.
- Senate Bill No. 122. Do not pass.
- Senate Bill No. 125. Do not pass.
- Senate Bill No. 115. Do pass.

Respectfully submitted,

Chappell of Sumter, Chairman.

Mr. Hayes of Miller County, Chairman of the Committee on Special Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Special Judiciary have had under consideration the following bills of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

- House Bill No. 755. Do pass as amended.
- House Bill No. 754. Do pass.

Respectfully submitted,

Hayes of Miller, Chairman.

Mr. McCracken of Jefferson County, Chairman of the Committee on Auditing, submitted the following report:

Mr. Speaker:

Your Committee on Auditing have had under consideration the following bills of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 57. Do not pass.

House Bill No. 450. Do pass.

Respectfully submitted,

McCracken of Jefferson, Chairman.

By unanimous consent, the following bills of the House and Senate, favorably reported, were read the second time:

By Mr. Graham of Brooks—

House Bill No. 173. A bill to be entitled an Act to regulate the speed of motor vehicles on the highways of the State; and for other purposes.

By Messrs. Clements of Wheeler, Holtzendorff of Ben Hill, Merritt of Bibb and Chappell of Sumter—

House Bill No. 450. A bill to be entitled an Act to amend Chapter 40-18 of the Code of Georgia of 1933, providing that the State Auditor shall annually, or more often in any case the Governor or the State Revenue Commissioner may request, examine and audit the books, accounts, records and all other papers of each and every person, tax collector, tax commissioner or county authority; and for other purposes.

By Mr. Jones of Richmond—

House Bill No. 678. A bill to be entitled an Act to amend Section 68-302 of the 1933 Georgia Code by providing that vehicles be equipped with reflectors; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 754. A bill to be entitled an Act to provide for holding four terms a year of the Superior Court of Coffee County; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 755. A bill to be entitled an Act to repeal an Act entitled "An Act to establish the City Court of Douglas, in the City of Douglas, Coffee County, Georgia"; and for other purposes.

By Mr. Vickery of Charlton—

House Bill No. 778. A bill to be entitled an Act to impose a license upon persons engaged in the business of operating ambulance services in Georgia; and for other purposes.

By Senator Cail of the 17th District—

Senate Bill No. 115. A bill to be entitled an Act to amend Code Section 68-303, Sub-section (F) thereof; and for other purposes.

Under the order of business established by the Committee on Rules for the night session, the following bills of the House were taken up for consideration and read the third time:

By Messrs. Thigpen of Evans, Kennedy of Tattnall and Smiley of Liberty—

House Bill No. 301. A bill to be entitled an Act to repeal an Act known as "Evans and Liberty Counties Addition", which said Act amends the Highway Mileage Act; and for other purposes.

The following Substitute to House Bill No. 301 was read and adopted:

By Messrs. Thigpen of Evans, Kennedy of Tattnall and Smiley of Liberty—

#### A BILL

To be entitled an Act to amend the Act approved March 18, 1937 (Georgia Laws 1937, Page 968), which added to the State Highway System a certain road running from Claxton, in Evans County, Georgia, to Willie, in Liberty County, Georgia, and connecting the county seats of Evans and Liberty Counties, by changing the description and direction in which said road shall run; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1. That Section 1 of the Act approved March 18, 1937 (Georgia Laws 1937, Page 968), adding to the State Highway System a certain road beginning at a point in the City of Claxton in Evans County, Georgia, and running in a southeasterly direction via certain points to Willie in Liberty County, Georgia, be and the same is hereby amended by striking and repealing the description of said road as it appears in Lines 8, 9, 10, 11, 12, 13 and 14 of said Section, and enacting in lieu thereof the following description:

"A certain road beginning in the City of Claxton in the County of Evans, and running in a general southeasterly direction, via J. M. Brewton Old Place, Bull Creek Church, W. B. Rogers, The Glissen Old Mill, F. C. Dyees Old Place, and Bethany Church, to intersect with the State Highway No. 67 at or near Taylor's Creek in Liberty County, Georgia, to run through the counties of Evans, Tattnall and Liberty, a distance of twenty-four miles,"

so that said Section as amended shall read as follows:

"Section 1. Be it enacted by the General Assembly of the State of Georgia and it is enacted by the authority of the same, that the Acts of the General Assembly known as the Neill-Traylor Bill, together with the map attached thereto, in Acts of 1929, Pages 260-268, be and the same is hereby amended by adding to and placing on said map as fully and completely as though originally drawn on said map, a certain road beginning in the City of Claxton in the

County of Evans, and running in a general southeasterly direction, via J. M. Brewton Old Place, Bull Creek Church, W. B. Rogers, The Glissen Old Mill, F. C. Dyees Old Place, and Bethany Church, to intersect with the State Highway No. 67 at or near Taylor's Creek in Liberty County, Georgia, to run through the Counties of Evans, Tattnall and Liberty, a distance of twenty-four miles."

SECTION 2. All laws or parts of laws in conflict with this Act are hereby repealed.

The report of the Committee which was favorable to the passage of the bill, was agreed to, by substitute.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed, by substitute.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 507. A bill to be entitled an Act to amend an Act authorizing certain counties to pass zoning and planning laws; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Brooks of Oglethorpe—

House Bill No. 284. A bill to be entitled an Act to prohibit the trapping or taking of foxes in certain counties of this State; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Kendrick and Etheridge and Mrs. Mankin of Fulton—

House Bill No. 328. A bill to be entitled an Act to authorize counties of a certain population to contract with any municipality located therein with reference to furnishing of regulating functions; and for other purposes.

The following Substitute to House Bill No. 328, was read and adopted:

By Messrs. Kendrick and Etheridge and Mrs. Mankin of Fulton—

## A BILL

~~To be entitled an Act~~ to authorize counties in Georgia in which are situated cities either in whole or in part having a population of 200,000 or more, inhabitants by the United States Census of 1930 or any future census, and cities situated either in whole or in part within such counties, to contract with each other for the performance among, between and by such counties and municipalities of administrative, regulatory and governmental functions to the citizens of such municipalities or counties beyond the limits of the municipality furnishing such service or performance of such functions, but within the limits of the municipality or county contracting for or receiving same; to prohibit the furnishing of such services or performance of such functions beyond the corporate limits of the municipality furnishing same without a contract; to provide exceptions to such prohibitions; and for other purposes.

## SECTION 1.

Be it enacted by the General Assembly of Georgia and it is hereby enacted by the authority of same, that from and after the date of the passage of this Act all Counties in Georgia in which is situated a city, either in whole or in part, having a population of 200,000 inhabitants or more, and all cities lying wholly or in part within the limits of any such county, be, and are hereby authorized to contract with each other for the performance by one or more of said counties or municipalities of administrative, regulatory, protective or other functions and services for the benefit of the citizens of said Counties or Municipalities thus contracting to receive same, and residing within the limits of such County or Municipality, but residing beyond the corporate limits of the county or municipality thus contracting to furnish same.

## SECTION 2.

Be it further enacted that when a contract has been entered into between a county and a municipality or between counties or between municipalities for the performance of any function or service, provided in this Act, such county or municipality thus contracting to furnish same, shall have jurisdiction and authority to perform such function and such service provided in such contract and for the purposes therein. The contract herein authorized shall be in writing, executed by one or more officials of each of the contracting parties, and record of authority for such contracts shall be spread upon the minutes of the governing body of the contracting parties.

## SECTION 3.

Be it further enacted by the authority aforesaid that until and unless a contract had been agreed upon and entered into, in accordance with the provisions of the preceding paragraphs, no county or municipality coming within the provisions of this Act shall do or perform any work or service, each for the other, beyond its corporate limits; provided the provisions of this Act shall not be construed as prohibiting any municipality from the exercise of all authority now authorized by Charter or other laws, and all such powers and authority is retained to such municipalities for the

enforcement of its ordinances, rules and regulation, for the protection of the property and service of such municipality, and such municipalities are authorized to, in the operation of its Water Works, Sewer System, Disposal Plants and/or other properties to furnish the services of such utilities or properties beyond the corporate limits of such municipality upon such terms and conditions as may be provided by the ordinances, rules and regulations of such municipality; provided however such services now furnished outside of a city or county shall be continued upon the present basis both as to rates and service and nothing in this Act shall be construed to repeal or modify the Act of the General Assembly approved March 23, 1937, and embodied in the Georgia Laws of 1937. Page 1502; provided further that no municipality shall have any right to charge plumbing inspection fees outside the incorporate limits of such municipalities.

#### SECTION 4.

Be it further enacted by the authority aforesaid that all laws or parts of laws in conflict with this law be and the same are hereby repealed.

The report of the Committee which was favorable to the passage of the bill, was agreed to, by substitute.

On the passage of the bill, by substitute, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed, by substitute.

By Messrs Aiken and Franklin of Bulloch—

House Bill No. 493. A bill to be entitled an Act to vest in the Tax Collectors or Tax Commissioners of Counties of a certain population all the powers of sheriffs of their respective counties relative to collection and levy of tax fi fas; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Sartain and Kelley of Walker—

House Bill No. 556. A bill to be entitled an Act to provide for and fix the hours of the keeping open of polls at precincts situated in counties of a certain population; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Campbell of Newton, Smith of Henry, Carmichael of Butts and Key of Jasper—  
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House Bill No. 745. A bill to be entitled an Act to authorize fishing with hook and line at all times during the entire year in Jackson Lake, located in the Counties of Newton, Jasper, Butts and Henry; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Kendrick and Etheridge and Mrs. Mankin of Fulton—

House Bill No. 473. A bill to be entitled an Act to provide that the Ordinary, Sheriff, Clerk of Superior Court, Tax Receiver, Tax Collector and County Treasurer of Fulton County may appoint a Chief Deputy; and for other purposes.

By unanimous consent, House Bill No. 473, was postponed until Tuesday, March 14th, 1939.

By Messrs. Almand and Preston of Walton—

House Bill No. 266. A bill to be entitled an Act to provide for the removal of obstructions of all kinds, other than dams used for operating mills or machinery of any kind, from creeks and other running streams in Walton County; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 517. A bill to be entitled an Act to amend an Act relating to the adoption of rules and regulations as to construction and repair of buildings in counties of a certain population; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Goddard and Purdy of Spalding—

House Bill No. 225. A bill to be entitled an Act to require an advance deposit by the plaintiff in each and every divorce case filed in the Superior Court of Counties of a certain population; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Goddard and Purdy of Spalding—

House Bill No. 232. A bill to be entitled an Act to fix the amount of costs to be charged and collected by the Clerks of the Superior Courts and City Courts of this State in criminal cases that are dismissed and nolle prosequed; and for other purposes.

The following amendment to House Bill No. 232, was read and adopted:

Mr. Goddard of Spalding moves to amend House Bill No. 232 by adding to the caption of the bill so that it shall read as follows:

An Act to fix the amount of costs to be charged and collected by the Clerks of the Superior Courts and City Courts of this State in all criminal cases in said Courts that are dismissed and nolle-prosequed in all Counties of the State having a population according to the United States Census of not less than 23,400 and not more than 24,400; and for other purposes.

And by adding to Section One at the end of the Section thereof the following words:

“in all counties of this State having a population according to the United States Census of 1930 and subsequent United States Census, of not less than 23,400 and not more than 24,400.”

The report of the Committee which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

By Messrs. Yawn of Dodge and Rawlins of Telfair—

House Bill No. 315. A bill to be entitled an Act to grant authority to the Federal Government for an agency, departments or corporations thereunder to buy certain described lands located in Dodge, Wheeler and Telfair Counties; and for other purposes.

By unanimous consent, House Bill No. 315, was postponed until Monday, March 13th, 1939.

By Mr. Bell of Grady—

House Bill No. 430. A bill to be entitled an Act to authorize the Board of

Commissioners of Roads and Revenues in Counties of a certain population to impose upon the Tax Collectors and Tax Commissioners, all the powers and duties of Sheriffs and Constables, relating to collection of tax fi fas; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 471. A bill to be entitled an Act to authorize the Board of County Commissioners of Roads and Revenues of Counties of a certain population to name and designate a building inspector for such parts of any such County outside the limits of any village, town or city; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 111, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Merritt, Grice and Bloodworth of Bibb—

House Bill No. 427. A bill to be entitled an Act to authorize Counties of a certain population to pass, through the Board of County Commissioners of Roads and Revenues, zoning and planning laws; and for other purposes.

The following amendment to House Bill No. 427, was read and adopted:

Messrs. Merritt, Grice, and Bloodworth of Bibb move to amend House Bill No. 427 as follows:

By striking from the caption thereof the words seventy thousand and inserting in lieu thereof the words seventy-five thousand;

By striking from Section 1 of the Act the words seventy thousand and inserting in lieu thereof the words seventy-five thousand.

The report of the Committee which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

By Messrs. Tipton and Scott of Thomas—

House Bill No. 486. A bill to be entitled an Act to provide for holding four terms a year of the Superior Court of Thomas County; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Holtzendorff of Ben Hill—

House Bill No. 491. A bill to be entitled an Act to repeal an Act to amend an Act approved March 31, 1937, which deals with the manner of selecting members of the County Board of Education in certain Counties; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Holtzendorff of Ben Hill—

House Bill No. 494. A bill to be entitled an Act to repeal an Act to amend Section 32-902 of the Code relating to the election of members of County Board of Education in Counties of a certain population; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Gross of Stephens—

House Bill No. 536. A bill to be entitled an Act to authorize and empower the Toccoa Falls Institute located in Toccoa Falls, Georgia, to confer the Degree of Bachelor of Arts in Biblical Education; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Mosely of Toombs—

House Bill No. 571. A bill to be entitled an Act to prohibit goats from running at large in Counties of a certain population; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Brooks of Oglethorpe, Herndon of Hart, Evans of McDuffie, Griffin of Wilkes, and many others—

House Bill No. 590. A bill to be entitled an Act to legalize seining from July 15th to September 1st of each year in certain Counties of this State; and for other purposes.

By unanimous consent, House Bill No. 590 was postponed until Monday, March 13th, 1939.

By Mr. Sapp of Coffee—

House Bill No. 606. A bill to be entitled an Act to prohibit goats from running at large in Counties of a certain population; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Stiles of Fannin—

House Bill No. 611. A bill to be entitled an Act to amend an Act approved January 13, 1938, so as to provide that fishing may be permitted in Fannin County from April 15th to May 31st; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

The following resolution of the House was read and adopted:

By Mr. Bray of Bartow—

House Resolution No. 184. A resolution urging the Treasury Department of the United States to purchase essential war materials in Georgia; and for other purposes.

Mr. Gross of Stephens moved that the House do now adjourn until tomorrow morning at 9:00 o'clock, and the motion prevailed.

Leaves of absence were granted to Messrs. Pilcher of Warren, Pierce of Terrell, Coogler of Clayton, Drake of Seminole, Tipton of Thomas, Middleton of Early, Binion of Hancock, Etheridge of Baker, Bruce of Troup, Etheridge of Houston and Clark of Catoosa.

The Speaker Pro-Tem announced the House adjourned until tomorrow morning at 9:00 o'clock.

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Friday, March 10th, 1939.

The House met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker Pro-Tem and opened with prayer by the Chaplain.

By unanimous consent, the call of the roll was dispensed with.

Mr. Gross of Stephens, Acting-Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business, during the first period of unanimous consents:

1. Introduction of bills and resolutions under the Rules of the House.
2. Report of Standing Committees.
3. Second reading of bills and resolutions, favorably reported.
4. Third reading and passage of local uncontested bills and resolutions of the House and Senate.
5. First reading and reference of Senate bills and resolutions.

By unanimous consent, the following bills and resolutions of the House were introduced, read the first time and referred to the Committees:

By Mr. Gross of Stephens—

House Bill No. 798. A bill to be entitled an Act to impose a tax upon the consumption of natural gas; and for other purposes.

Referred to Committee on Ways and Means.

By Mr. Jones of Richmond—

House Bill No. 799. A bill to be entitled an Act to amend Chapter 92-19 (Title 92) of the Code of Georgia of 1933 entitled "Public Revenue, Miscellaneous Occupations" so as to provide a tax for every peddler or traveling vendor of patent or proprietary medicine; and for other purposes.

Referred to Committee on Ways and Means.

By Mr. Sapp of Coffee —

House Bill No. 800. A bill to be entitled an Act to repeal an Act approved March 8, 1937, pages 1301-02, of the 1937 Acts creating the office of tax collector of Coffee County; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Sapp of Coffee—

House Bill No. 801. A bill to be entitled an Act to repeal an Act approved March 8, 1937, pages 1303-1304, of the 1937 Acts providing for a repeal of the Acts of 1931 of the General Assembly creating the office of tax commissioner of Coffee County; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. J. H. Ennis and Marion Ennis of Baldwin—

House Bill No. 802. A bill to be entitled an Act to amend an Act establishing a new charter for the City of Milledgeville, and the several Acts amendatory thereof; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Sapp of Coffee —

House Bill No. 803. A bill to be entitled an Act to amend an Act entitled "An Act to incorporate the City of Broxton, etc."; and for other purposes.

Referred to Committee on Municipal Government.

By Messrs. Swindle of Berrien and Branch of Tift—

House Bill No. 804. A bill to be entitled an Act establishing and creating a public corporation to be known as the "Atlanta Produce Market Authority"; and for other purposes.

Referred to Committee on General Agriculture No. 1.

By Mr. Sap of Coffee—

House Bill No. 805. A bill to be entitled an Act to repeal an Act of the General Assembly creating the office of tax receiver of Coffee County; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Jones of Richmond—

House Bill No. 806. A bill to be entitled an Act to prohibit any manufacturer or transient vendor of candies or sweets from consigning candies or manufactured sweets with individuals, persons, firms, corporations or associations who have not purchased a license authorizing them to sell and dispose of same; and for other purposes.

Referred to Committee on Ways and Means.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Bill No. 807. A bill to be entitled an Act to amend the charter of the City of Rome; and for other purposes.

Referred to Committee on Municipal Government.

By Messrs. ~~Harris~~ ~~Lanier~~ and Jones of Richmond—

House Bill No. 808. A bill to be entitled an Act to amend Acts 1931, pages 686-691, so as to provide that the City Council of Augusta may delegate to the City Planning Commission, power and authority to permit exceptions to and variations from the zoning regulations; and for other purposes.

Referred to Committee on Counties and County Matters.

By Messrs. Sabados and Allen of Dougherty—

House Bill No. 809. A bill to be entitled an Act to amend Code Section 855(aa) Park's 1914 Annotated Code, so as to authorize persons holding office under municipal corporations in Georgia of a certain population to sell goods, wares and merchandise; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Allen of Dougherty—

House Bill No. 810. A bill to be entitled an Act to amend Section 22 of the General Tax Act No. 360, approved March 28, 1935, Georgia Laws of 1935; which provides that no person shall be exempt from any tax imposed, who has more than one employee to assist in conducting such business; and for other purposes.

Referred to Committee on State of Republic.

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 811. A bill to be entitled an Act to amend the charter of the City of Atlanta; and for other purposes.

Referred to Committee on Municipal Government.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Resolution No. 186-807 A. A resolution authorizing the State Librarian to furnish certain missing court reports for the use of the Judge of Superior Court in Floyd County; and for other purposes.

Referred to Committee on Public Library.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Resolution No. 187-807 B. A resolution to amend Article VI, Section 2, Paragraph 5, of the Constitution so as to provide for the jurisdiction of the Supreme Court to provide for the submission of said amendment to the voters of the State for ratification by the people; and for other purposes.

Referred to Committee on Amendments to Constitution No. 1.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Resolution No. 188-807 C. A resolution to amend Article VI, Section 2, Paragraph 9, of the Constitution so as to provide for the jurisdiction of the Court of Appeals to provide for the submission of said amendment to the qualified voters of the State for ratification by the people; and for other purposes.

Referred to Committee on Amendments to Constitution No. 1.

Mr. Carmichael of Cobb County, Chairman of the Committee on Amendments to Constitution No. 2, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 2 have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 662. Do pass.

House Bill No. 735. Do pass.

House Bill No. 742. Do pass.

Senate Bill No. 150. Do pass.

Senate Bill No. 175. Do pass.

Respectfully submitted,

Carmichael of Cobb, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills and resolutions of the House, to-wit:

House Bills Nos. 124, 225, 277, 283, 284, 292, 342, 354, 430, 452, 469, 486, 491, 493, 507, 517, 536, 556, 571, 606, 611, 683, 711, 729, 730, 738, 745, 757.

House Resolutions Nos. 184, 185.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Atkinson of Chatham County, Chairman of the Committee on General Judiciary No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 1 have had under consideration

the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

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House Bill No. 581. Do not pass.

House Bill No. 749. Do pass by substitute.

House Bill No. 599. Do not pass.

House Bill No. 706. Do not pass.

Senate Bill No. 131. Do pass as amended.

Senate Bill No. 126. Do pass.

Senate Bill No. 156. Do pass.

Respectfully submitted,

Atkinson of Chatham, Chairman.

Mr. Atkinson of Chatham County, Chairman of the Committee on General Judiciary No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 1, have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 681. Do pass by substitute.

Respectfully submitted,

Atkinson of Chatham, Chairman.

Mr. Allen of Dougherty County, Chairman of the Committee on Hygiene and Sanitation, submitted the following report:

Mr. Speaker:

Your Committee on Hygiene and Sanitation have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 643. Do not pass.

Senate Bill No. 139. Do pass as amended.

Senate Bill No. 117. Do pass.

Senate Bill No. 183. Do pass.

Senate Bill No. 42. Do pass.

House Bill No. 566. Do pass.

House Bill No. 563. Do pass.

~~House Bill No. 560. Do not pass.~~

House Bill No. 765. Do pass.

House Bill No. 682. Do pass.

House Bill No. 524. Do not pass.

House Bill No. 403. Do pass.

House Bill No. 19. Do pass.

House Bill No. 201. Do not pass.

Respectfully submitted,

Allen of Dougherty, Chairman.

Mr. Kendricks of Fulton County, Chairman of the Committee on Industrial Relations, submitted the following report:

Mr. Speaker:

Your Committee on Industrial Relations have had under consideration the following bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 203. Do pass.

Respectfully submitted,

Kendrick of Fulton, Chairman.

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 795. Do pass.

Senate Bill No. 182. Do pass.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Lanham of Floyd County, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

~~Your Committee~~ Ways and Means have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 604. Do pass as amended.

House Bill No. 528. Do not pass.

House Bill No. 418. Do not pass.

House Bill No. 126. Do not pass.

House Bill No. 792. Do not pass.

House Bill No. 661. Do pass.

House Bill No. 585. Do pass as amended.

House Bill No. 663. Do not pass.

House Bill No. 708. Do not pass.

House Bill No. 559. Do not pass.

House Bill No. 567. Do not pass.

House Bill No. 752. Do pass.

House Bill No. 298. Do not pass.

House Bill No. 751. Do pass.

House Bill No. 543. Do pass.

House Bill No. 591. Do pass.

House Bill No. 603. Do pass.

Respectfully submitted,

Lanham of Floyd, Chairman.

By unanimous consent, the following bills and resolutions of the House and Senate, favorably reported, were read the second time:

By Messrs. Evans of McDuffie, Drinkard of Lincoln, and Pannell of Murray—

House Bill No. 19. A bill to be entitled an Act repealing an Act regulating the manufacture and inspection of mattresses; and for other purposes.

By Mr. Sumner of Worth—

House Bill No. 403. A bill to be entitled an Act to amend Chapters 88-11 and 88-12 of the 1933 Code of Georgia in certain respects so as to secure complete

uniform and comparable registration of records of births and deaths in this State, etc.; and for other purposes.

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By Mr. Boyd of Cook—

House Bill No. 543. A bill to be entitled an Act to require all tax collecting officials of the State of Georgia, any county or municipality therein, to date all tax receipts, showing the time taxes were paid; to provide for a penalty for failure to do so; and for other purposes.

By Mr. Marshall of Macon—

House Bill No. 563. A bill to be entitled an Act to make unlawful and punishable putting, or causing to be put flour upon the floor of any transportation instrumentality on which guano or other fertilizer is lying; and for other purposes.

By Mr. Marshall of Macon—

House Bill No. 566. A bill to be entitled an Act to give a lien under Code Section No. 67-2202 to the owner or keeper of any bull; and for other purposes.

By Mr. Lanham of Floyd—

House Bill No. 585. A bill to be entitled an Act to amend Georgia Laws 1937-38, page 297, by increasing commissions allowed tax collectors and receivers for certain collections; and for other purposes.

By Messrs. Harris of Richmond and Parker of Colquitt—

House Bill No. 591. A bill to be entitled an Act to continue the present rate of taxation on beer; and for other purposes.

By Messrs. Lanham of Floyd and Culpepper of Fayette—

House Bill No. 603. A bill to be entitled an Act to amend Section 92-5712 of the Code of 1933 by requiring payment of proportionate part of tax representing personalty covered by Fi Fa (Proportionate payments by owners, lien holders, etc.); and for other purposes.

By Messrs. Lanham of Floyd and Culpepper of Fayette—

House Bill No. 604. A bill to be entitled an Act to amend Chapter 92-81 (Sale under tax execution) of Code of 1933 by providing for payment by taxpayer of taxes in case of excess levy before courts shall set sale aside; and for other purposes.

By Mr. Harrison of Jenkins—

House Bill No. 661. A bill to be entitled an Act to amend Paragraph 71, Section (a), of the General Tax Act of 1935 so as to propose a tax upon punchboards; and for other purposes.

By Mr. Smiley of Liberty—

House Bill No. 662. A bill to be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the Willie Consolidated School District to incur a bonded indebtedness; and for other purposes.

By Mr. Chappell of Sumter—

House Bill No. 681. A bill to be entitled an Act to create a joint committee of the House and Senate to conduct investigations and make recommendations to the General Assembly concerning economy; and for other purposes.

By Messrs. Rountree of Emanuel, Brooks of Jackson, Wages of Jackson and Campbell of Newton—

House Bill No. 682. A bill to be entitled an Act to amend Section 84-1313 of the Georgia Code (1933) relating to qualifications of applicants for registration by the State Board of Pharmacy, so as to provide for extension of exemption in said section; and for other purposes.

By Mr. Hill of Screven—

House Bill No. 735. A bill to be entitled an Act to amend Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City of Sylvania to incur a bonded indebtedness in addition to that heretofore authorized; and for other purposes.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 742. A bill to be entitled an Act to amend Article VII, Section 7, Paragraph 1, of the Constitution so as to authorize the City Council of Augusta to make temporary loans; and for other purposes.

By Mr. Grayson of Chatham—

House Bill No. 749. A bill to be entitled an Act fixing and prescribing the maximum interest rate to be charged by persons, firms, corporations, or associations engaged in the business of lending money on assignments of earned or unearned wages; and for other purposes.

By Mr. Gross of Stephens—

House Bill No. 751. A bill to be entitled an Act to prohibit employees and officials of the State from purchasing through the Supervisor of Purchases any article, material, merchandise, ware, commodity or other thing of value for the personal ownership of himself or others; and for other purposes.

By Mr. Carmichael of Cobb—

House Bill No. 752. A bill to be entitled an Act to amend an Act entitled "An Act to amend Chapter 40-19 of the 1933 Code, known as the charter creating the Supervisor of Purchases within the Executive Department, etc." so as to provide a proper letter, proposal and affidavit, etc.; and for other purposes.

By Mr. Grayson of Chatham—

~~House Bill No. 765.~~ A bill to be entitled an Act relating to the learning of the occupation of a barber or hairdresser; and for other purposes.

By Mr. Rawlins of Telfair—

House Bill No. 795. A bill to be entitled an Act to create and incorporate the City of Jacksonville in the County of Telfair, and grant a charter to that Municipality, to prescribe and define corporate limits thereof, a Municipal Government; and for other purposes.

By Senator Manning of the 39th District—

Senate Bill No. 42. A bill to be entitled an Act to prevent the spread of syphilis through marriage; and for other purposes.

By Senators Thomason of the 28th and Causey of the 46th Districts—

Senate Bill No. 117. A bill to be entitled an Act to amend an Act entitled "An Act to authorize and regulate the practice of Chiropractic in the State of Georgia" with reference to eligibility to practice; and for other purposes.

By Senators Millican of the 52nd, Abbot of the 18th and Sanders of the 36th Districts—

Senate Bill No. 126. A bill to be entitled an Act to amend Section 30-102 (2945) "Grounds for Total Divorce" of Georgia Code of 1933, by adding an additional ground for the number 9, providing for a total divorce when either party is adjudged insane by a commission or court; and for other purposes.

By Senator Howe of the 38th District—

Senate Bill No. 131. A bill to be entitled an Act to amend Code Section 9-401, defining the practice of law; and for other purposes.

By Senator Durden of the 10th District—

Senate Bill No. 139. A bill to be entitled an Act to amend Title 84 (Professions, businesses and trades), Chapter 84-12 (osteopaths), which provides for examination for applicants for license to practice osteopathy; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 150. A bill to be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution, so as to authorize the City of Atlanta to issue revenue certificates; and for other purposes.

By Senators Abbot of the 18th, Brown of the 4th and Causey of the 46th Districts—

Senate Bill No. 156. A bill to be entitled an Act repealing that certain Act approved August 26, 1872, entitled "An Act to prescribe the manner of incorporating towns and villages in this State"; and for other purposes.

By Senator Dawson of the 2nd District—

Senate Bill No. 175. A bill to be entitled an Act to propose to the qualified voters an amendment to Article 7, Section 7, Paragraph 1, of the Constitution, so as to authorize the Willie Consolidated School District of Liberty County to incur a bonded indebtedness; and for other purposes.

By Senators Spivey of the 16th, Durden of the 10th, Harrell of the 7th, Cloud of the 19th and Brinson of the 42nd Districts—

Senate Bill No. 182. A bill to be entitled an Act to authorize the record owner of legal title to an interest in land as security for debt to recover trees, or their value, from any person, firm or corporation, who, without consent, buys, sells, cuts, holds, removes, disposed of or changes the form of, or otherwise converts any trees growing or grown on such lands; and for other purposes.

By Senator Lindsay of the 34th District—

Senate Bill No. 183. A bill to be entitled an Act to amend Section 84-903 of the Code of Georgia of 1933 relating to the appointment of members of the State Board of Medical Examiners so as to provide that members may be appointed without regard to ratio as to the number of members to be appointed from any particular school of medicine; and for other purposes.

By Senators Howe of the 38th and McGinty of the 43rd Districts—

Senate Bill No. 203. A bill to be entitled an Act to provide for the retirement of any member of the Industrial Board upon having attained the age of seventy years, with fifteen or more consecutive years of service; to provide method of payment of compensation; and for other purposes.

By unanimous consent, the following bills of the House and Senate were read the third time and placed upon their passage:

By Mrs. Mankin and Messrs. Etheridge and Kendrick of Fulton—

House Bill No. 669. A bill to be entitled an Act to amend an Act incorporating the City of Hapeville; and for other purposes.

The following amendment to House Bill No. 669, was read and adopted:

Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton move to amend House Bill No. 669 by striking from line eleven of caption the word "all" and adding after advertisements, "of the City of Hapeville", so that the caption will read as follows: An Act to amend an Act to incorporate the City of Hapeville, Georgia, approved September 16, 1891, and several Acts to subsequent years amendatory thereof, so that the mayor and council of the City of Hapeville shall have power and authority within its discretion by ordinance or resolution to allow taxes, both ad valorem and special, to be paid in instalments on such dates as it may designate and to give such discount as in its discretion may seem wise: also to allow the City of Hapeville to designate any newspaper it sees fit, which has been published

within the limits of the City of Hapeville for a period of two years, to carry legal advertisements of the City of Hapeville.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, as amended, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

By Mr. Barrett of Cherokee—

House Bill No. 750. A bill to be entitled an Act to re-incorporate the Town of Woodstock in the County of Cherokee, to repeal the present charter; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs Allison and Pharr of Gwinnett—

House Bill No. 756. A bill to be entitled an Act to amend an Act to create a Board of County Commissioners for Gwinnett County; and for other purposes.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Moss of Gordon—

House Bill No. 758. A bill to be entitled an Act to incorporate the Town of Oakman, in the County of Gordon; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Rogers, Lanham and Davis of Floyd—

House Bill No. 764. A bill to be entitled an Act to amend an Act to create a new charter and Municipal Government for the City of Rome; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Hatchett of Meriwether—

House Bill No. 773. A bill to be entitled an Act to amend an Act to constitute a Board of Commissioners for the County of Meriwether, by providing for the employment of a Clerk; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Carrington of Barrow—

House Bill No. 775. A bill to be entitled an Act to create a Board of Commissioners of Roads and Revenues for the County of Barrow; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 109, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Tippins of Wilcox—

House Bill No. 780. A bill to be entitled an Act to amend an Act creating a new charter for the Town of Abbeville; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Douglass of Talbot—

House Bill No. 781. A bill to be entitled an Act to amend an Act to abolish the offices of Tax Collector and Tax Receiver of Talbot County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 111, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 782. A bill to be entitled an Act to amend an Act creating a new charter for the City of Decatur; and for other purposes.

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The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 112, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Evans of McDuffie—

House Bill No. 784. A bill to be entitled an Act to provide the manner in which Justice of the Peace and Notaries Public Ex-officio Justices of the Peace shall be compensated in criminal cases in McDuffie County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 113, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 785. A bill to be entitled an Act to amend an Act to create a new charter for the City of Doerun in Colquitt County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 114, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Lindsay of the 34th District—

Senate Bill No. 154. A bill to be entitled an Act to amend an Act to authorize the election of Commissioner of Roads and Revenues for DeKalb County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 115, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Manning of the 39th District—

Senate Bill No. 189. A bill to be entitled an Act to amend an Act authorizing the Mayor and Council of Marietta to have held by the qualified voters an election to determine whether or not bonds shall be issued; and for other purposes.

The following Committee Substitute to Senate Bill No. 189, was read and adopted:

## A BILL

To be entitled an Act to amend an Act approved August 20, 1906 (Georgia Laws, 1906, pages 846-848) authorizing the Mayor and Council of the City of Marietta to order an election so as to determine whether or not bonds shall be issued by the City of Marietta for certain designated purposes; by adding to the said Act a new Section authorizing the Board of Lights and Waterworks to extend its services and facilities beyond the limits of Marietta; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## SECTION 1.

The Act of the General Assembly approved August 20, 1906 (Georgia Laws 1906, pages 846-848) authorizing the Mayor and Council of the City of Marietta to order an election for the purpose of determining whether or not bonds shall be issued by the City of Marietta for certain designated purposes be and the same is hereby amended by adding thereto a new section to be known as Section 5 A to read as follows:

“Section 5 A. The Board of Lights and Waterworks shall have the power and authority to extend its water mains and electric power lines beyond the limits of the City of Marietta into Cobb County at such places and to such distances as said Board may determine by proper resolution, and to serve customers on said mains and lines so extended at such rates as may be fixed by the Board.”

## SECTION 2.

All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, by substitute, was agreed to.

On the passage of the bill, by substitute, the ayes were 116, the nays 0.

The bill having received the requisite constitutional majority was passed, by substitute.

By Mr. Jones of Brantley—

House Bill No. 86. A bill to be entitled an Act to repeal an Act abolishing the office of County Treasurer of Brantley County; and for other purposes.

The following Committee amendment to House Bill No. 86, was read and adopted:

Committee moves to amend caption of House Bill No. 86 by changing the figures 445 to 545, so when amended will read 545, and further amends by adding a new section to be properly numbered, and the caption to be properly amended Section —. Be it further enacted, That the effective date of this Act shall be May 1st, 1939.

The report of the Committee, which was favorable to the passage of the bill, as amended, was agreed to.

On the passage of the bill, as amended, the ayes were 117, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

By unanimous consent, all local bills were ordered immediately transmitted to the Senate.

The following resolution of the House was read and adopted:

By Messrs. Joel and Bennett of Clark—

House Resolution No. 185.

#### A RESOLUTION

Whereas, the State of Georgia will have an exhibit at the World's Fair in New York which will open next month and thousands of people from all over the United States and foreign countries will visit, and in this exhibit will be a display by the University of Georgia Press showing the wonderful work they are now doing, and

Whereas, a mere display of books will attract no particular attention as there will be many such exhibits, but a Bengal tiger, golden leaf pottery not to be found any where outside a twelve mile area of Kentung State, a cobra twelve feet long, clothing and shoes from the foreign countries of the world, and many others, certainly will, and

Whereas, these unique souvenirs gathered on the trip riding a bicycle around the world by Fred A. Birchmore will certainly cause comment and interest and draw crowds to see Georgia's exhibits as a whole, and,

Whereas, these souvenirs collected by Mr. Birchmore, of Athens, Georgia, are in the Smithsonian Institute, the United States National Museum at Washington which is to be their final home, and should be welcome for a Georgia exhibit,

Therefore, be it resolved by the House of Representatives, the Senate concurring, that the souvenirs gathered by Fred A. Birchmore be permitted and allowed to be placed in the display of the University of Georgia Press as a medium of attracting attention and boosting the work that the University Press is doing, and said souvenirs will attract many visitors and serve the purpose that will be most profitable to the University Press as well as all exhibits.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The President of the Senate has appointed as a committee of conference on the part of the Senate to confer with a like committee on the part of the House,

Senators Durden of the 10th, Millican of the 52d and Brinson of the 42d Districts, on the following bill of the House, to-wit:

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By Messrs. Summerour and Bray of Bartow—

House Bill No. 90. A bill to be entitled an Act to amend the Acts creating the City Court of Bartow County; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House and Senate to-wit:

By Mr. Claxton of Johnson—

House Bill No. 529. A bill to amend an Act creating the City Court of Wrightsville in Johnson County, so as to provide that the Judge of the Superior Court of the Dublin Judicial Circuit can preside in the said court; and for other purposes.

By Senator Millican of the 52d District—

Senate Bill No. 113. A bill to amend the Code of 1933 with reference to Assistant Attorneys-General so as to provide for the appointment of the Assistant Attorneys-General by the Attorney-General; and for other purposes.

By Senators Brown of the 4th, Dawson of the 2d and Warnell of the 1st Districts—

Senate Bill No. 136. A bill to propose to the qualified voters an amendment authorizing the continuance of "The Coastal Highway District"; and for other purposes.

By Senators Brown of the 4th, Dawson of the 2d, and Warnell of the 1st Districts—

Senate Bill No. 138. A bill to prescribe the duties and responsibilities in connection with the continuance of "The Coastal Highway District"; and for other purposes.

By Senator Durden of the 10th District—

Senate Bill No. 193. A bill to provide for the appointment of County Planning Councils; to provide for organization; and for other purposes.

By Senator Dawson of the 2d District—

Senate Bill No. 196. A bill to repeal an Act approved February 7, 1938, entitled an Act to abolish the office of Tax Collector of Liberty County and to create in lieu thereof the office of Tax Commissioner; and for other purposes.

By Senator Abbot of the 18th District—

Senate Bill No. 209. A bill to amend the charter of the City of Augusta so as to provide a municipal budget; and for other purposes.

By Senator Groover of the 37th District—

~~Senate Bill No. 216.~~ A bill to amend an Act to consolidate the offices and duties of the Tax Receiver and Tax Collector of Troup County and to create the office of Tax Commissioner; and for other purposes.

Under the continuing order of business, established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time:

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 219. A bill to be entitled an Act to amend Section 32-9906 of the Civil Code of 1933, known as the Compulsory School Attendance Law; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 109, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 342. A bill to be entitled an Act to add an additional Judge of the Superior Court for the Atlanta Judicial Circuit; and for other purposes.

Mr. Lovett of Laurens moved the previous question, the motion prevailed, and the main question ordered.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 114, the nays 5.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

Mr. Rawlins of Telfair arose to a point of personal privilege and addressed the House.

Mr. Gross of Stephens moved that when the House adjourn today, that it stand adjourned until 10:00 o'clock Monday, and the motion prevailed.

The following report of the Committee on Rules was read and adopted:

March 10, 1939.

Mr. Speaker:

Your Committee on Rules having had under consideration the fixing of a calendar have established as a special and continuing order of business the following:

(1) House Bill No. 647. Divorce on United States Reservation in Georgia.

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- (2) House Bill No. 342. Fulton Judgeship.
- (3) House Bill No. 219. Compulsory Education.
- (4) House Bill No. 446. Salary Reduction.
- (5) House Bill No. 625. Enlarge Powers of Trustees of G. M. C.
- (6) House Resolution No. 105-394B. Relating to Confederate Widows Pensions.
- (7) House Bill No. 635. To authorize the County of Bacon to issue re-funding bonds.
- (8) House Bill No. 397. Statutory Foreclosure.
- (9) House Bill No. 690. Post Road Bills.
- (10) House Bill No. 449. Relating to sale of pawnees.
- (11) House Bill No. 624. Relating to sale of land at Milledgeville.
- (12) House Bill No. 698. Relating to pay patients at Milledgeville.
- (13) House Bill No. 317. Relating to regulation of frozen desserts.
- (14) House Bill No. 258. Relating to title insurance.
- (15) House Bill No. 276. Junk Dealers.
- (16) House Resolution No. 132-497 A. Local Fulton County.
- (17) House Bill No. 480. Weights and Measures.
- (18) House Bill No. 275. Relating to interest and execution on Poll taxes.
- (19) House Bill No. 31. Rolling Stores.
- (20) House Bill No. 104. Rolling Stores.
- (21) House Bill No. 472. Local.
- (22) House Bill No. 352. Crab Bill.
- (23) House Bill No. 322. Local.
- (24) House Bill No. 407. Hog Cholera.
- (25) House Bill No. 261. Barbers.

The Speaker may call up local constitutional amendments at his discretion.

Gross of Stephens, Vice-Chairman.

The following report of the Committee on Rules, was read and adopted:

Mr. Speaker: [www.libtool.com.cn](http://www.libtool.com.cn)

Your Committee on Rules having had under consideration House Resolution No. 183, have instructed me to report back to the House with the recommendation, that same do pass.

Respectfully submitted,

Gross of Stephens, Vice-Chairman.

The following resolution of the House was taken up for consideration and read:

By Messrs. Lovett of Laurens and Atkinson of Chatham—

House Resolution No. 183. A resolution. Resolved that on Friday, March 10th, and Saturday, March 11th, 1939, debate on all questions shall be limited to twenty minutes by the author of the bill under consideration, and fifteen minutes by other members of the House, and on all questions of personal privilege the members shall be limited to ten minutes.

Mr. Sabados of Dougherty moved the previous question, the motion prevailed, and the main question ordered.

An amendment offered by Messrs. Conner of Dooly, Lovett of Laurens and Atkinson of Chatham, was read and withdrawn.

An amendment offered by Mr. Atkinson of Chatham was read and withdrawn.

The resolution was adopted.

Mr. Williams of Bacon arose to a point of personal privilege and addressed the House.

Under the continuing order of business established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Messrs. Henderson of Irwin, Hill of Screven and Kennedy of Tattnall—

House Bill No. 446. A bill to be entitled an Act to reduce the salaries of all State employees; and for other purposes.

Mr. Ennis of Baldwin moved that the bill be referred to a sub-committee of five, to be appointed by the Speaker.

Mr. Lewis of Burke moved the previous question.

Mr. Ennis of Baldwin moved that the bill be tabled.

On the motion to table, Mr. Clary of Columbia moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Dean	Kendrick
Atkinson	Ennis, J. H.	Key
Beck	Etheridge of Fulton	Mankin
Bell	Flanders	McNall
Bloodworth	Foster	Rossee
Brooks of Jackson	Fowler of Treutlen	Thornton
Clements of Marion	Hatchett	
Clements of Wheeler	Kaigler	

Those voting in the negative were Messrs.:

Allison of White	Ferguson of Sumter	Lewis
Almand	Ford	Lovett
Barlow	Forrester of Crisp	Marshall
Bennett of Ware	Forrester of Dade	Mason
Boyd of Greene	Franklin of Bulloch	Maxwell
Branch	Franklin of Polk	McBride
Bruce	Gaines	McCracken
Bynum	Gavin	McDaniel
Candler	Gill	McGraw
Carmichael of Butts	Goddard	Merritt
Carmichael of Cobb	Graham	Middleton
Cheney	Greene	Mills
Clark	Grice	Moore of Lumpkin
Clary	Griffin	Moore of Taliaferro
Clements of Calhoun	Gross of Stephens	Morgan
Cobb	Gross of Washington	Mosely
Conner	Guyton	Pannell
Cook	Harden	Parham
Corbett	Harrison of Crawford	Pharr
Culpepper of Fayette	Harrison of Jenkins	Pilcher
Curry	Harvey	Purdy
Clements of Calhoun	Hayes	Rawlins
Dallis	Henderson	Rogers
Davidson	Herndon	Roughton
Davis of Coweta	Hill	Sabados
DeFoor	Hinson	Sams
Dickerson	Holtendorff	Sanders
Dockery	Howard	Sapp
Drinkard	Jackson	Sartain
Edwards of Taylor	Joel	Scott
Ennis, Marion	Jones of Paulding	Simmons
Etheridge of Baker	Jones of Richmond	Smith of Schley
Etheridge of Houston	Kennedy	Stiles
Evans of Laurens	Kimbrough	Strickland of Haralson
Evans of McDuffie	King	Strickland of Pierce
Ferguson of Camden	Lanham	Sumner

Tate	Turner	Williams of Bacon
Thigpen of Evans	Vickery	Wohlwender
Thigpen of Glascock	Warren	Wright
Tippins	Wells	Yeomans
Trippe	Whitaker	

Those not voting were Messrs.:

Allen	Davis of Floyd	Pierce
Allison of Gwinnett	Douglass	Preston
Ansley	Drake	Ragan
Barrett	Easley	Rees
Bennett of Clarke	Edwards of Lowndes	Reid
Binion	Elliott	Rountree
Blackshear	English	Saunders
Blease	Fowler of Douglas	Smiley
Boyd of Cook	Goolsby	Smith of Henry
Bray	Gowen	Summerour
Brooks of Oglethorpe	Grant	Swindle
Bush	Grayson	Terrell
Campbell	Hardman	Tipton
Carrington	Johnson	Tomlinson
Carter	Jones of Brantley	Wages
Chappell	Kelley	Whipple
Claxton	Lanier	Wiggins
Connell	Looper	Williams of Ware
Coogler	Miller	Yawn
Culpepper of Mitchell	Moss	
Daughtry	Parker	

By unanimous consent, verification of the roll call was dispensed with.

On the motion to tabel, the ayes were 22, the nays 121.

The motion to table was lost.

Mr. Hill of Screven asked unanimous consent that a sub-committee of five be appointed to study the bill and report back to the House Monday, and the consent was granted.

The Speaker appointed as a sub-committee, the following members of the House, to-wit:

Messrs. Hill of Screven,

Carmichael of Cobb,

Marion Ennis of Baldwin,

Sabados of Dougherty, and

Lovett of Laurens.

Under the continuing order of business established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time: [www.libtool.com.cn](http://www.libtool.com.cn)

By Messrs. Sams, Candler and Turner of DeKalb—  
House Bill No. 673.

#### A BILL

To be entitled an Act to amend Paragraph 1, Section 13 of Article 6, of the Constitution of Georgia regulating the salaries of judges of the Superior Court by providing for the payment from the County Treasurer of DeKalb County to the Judge of the Circuit of which said county is a part, an additional compensation; and for other purposes.

#### SECTION 1.

The General Assembly of the State of Georgia hereby proposes to the people of Georgia an amendment to Paragraph 1, of Section 13, of Article 6, of the Constitution of this State, as follows: By adding to Paragraph 1, of Section 13, of Article 6, of the Constitution of the State of Georgia as it now is the following:

“Provided, that the County of DeKalb from and after January 1, 1940, shall pay from its treasury to the Superior Court judges of the Circuit of which it is a part in addition to the salary paid each judge from the State Treasury, the sum of Twenty Five Hundred Dollars per annum to each judge, and said payments are declared to be a part of the court expenses of such county.

#### SECTION 2.

Be it further enacted by the authority aforesaid, that whenever the above proposed amendment to the Constitution of this State shall be agreed to by two-thirds of the members elected to each of the Houses of the General Assembly, and the same has been entered upon their journals, with the yeas and nays taken thereon, the Governor shall, and he is hereby authorized and instructed to cause the above proposed amendment to be published in one or more newspapers in each congressional district in this State for the period of two months next preceding the time of holding the next general election; and the Governor is hereby authorized and directed to provide for the submission of the amendment proposed for ratification or rejection to the electors of this State at the next general election to be held after said publication, at which election every person shall be qualified to vote who is entitled to vote for members of the General Assembly. All persons voting at such election in favor of adopting the said proposed amendment shall have written or printed in their ballots the words, “for amendment to Paragraph one of Section 13 of Article 6 of the Constitution, providing for additional compensation to be paid by DeKalb County, to the judges of the Circuit to which it is a part,” If a majority of the electors qualified to vote for members of the General Assembly voting thereon, shall vote for ratification, the Governor shall, when he ascertains the same from the Secretary of State, to whom the returns from said election shall be referred in the same manner as in cases of election for members of the General

Assembly to county and ascertain the result, issue his proclamation for one insertion in one daily paper of the State, announcing such result and declaring the amendment ratified.

## SECTION 3.

Be it further enacted that all laws or parts of laws in conflict herewith are repealed.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Conner	Graham
Allison of Gwinnett	Cook	Grayson
Allison of White	Culpepper of Fayette	Greene
Almand	Curry	Grice
Ansley	Dallis	Griffin
Atkinson	Davidson	Gross of Stephens
Barlow	Davis of Coweta	Gross of Washington
Barrett	Dean	Guyton
Beck	DeFoor	Harden
Bell	Dickerson	Harrison of Crawford
Bennett of Clarke	Dockery	Harrison of Jenkins
Bennett of Ware	Drinkard	Harvey
Blease	Edwards of Taylor	Hatchett
Bloodworth	Ennis, J. H.	Hayes
Boyd of Greene	Ennis, Marion	Henderson
Branch	Etheridge of Baker	Herndon
Bray	Etheridge of Fulton	Hill
Brooks of Oglethorpe	Etheridge of Houston	Hinson
Bruce	Evans of Laurens	Holtzendorff
Candler	Ferguson of Camden	Jackson
Carmichael of Butts	Ferguson of Sumter	Joel
Carmichael of Cobb	Flanders	Jones of Brantley
Carrington	Ford	Jones of Richmond
Carter	Forrester of Crisp	Kendrick
Chappell	Forrester of Dade	Kennedy
Cheney	Foster	Key
Clary	Fowler of Treutlen	King
Claxton	Franklin of Polk	Lanham
Clements of Calhoun	Gaines	Lewis
Clements of Marion	Gavin	Looper
Clements of Wheeler	Gill	Lovett
Cobb	Goddard	Mankin

Maxwell	Purdy	Thigpen of Glascock
McBride	Rawlins	Thornton
McCracken	Rogers	Tippins
McDaniel	Rossee	Trippe
McGraw	Roughton	Turner
McNall	Sabados	Vickery
Merritt	Sams	Warren
Middleton	Sanders	Wells
Mills	Sapp	Whipple
Moore of Lumpkin	Sartain	Whitaker
Moore of Taliaferro	Scott	Wiggins
Morgan	Smiley	Williams of Bacon
Mosely	Smith of Schley	Williams of Ware
Pannell	Stiles	Wohlwender
Parham	Strickland of Haralson	Wright
Pharr	Strickland of Pierce	Yeomans
Pilcher	Tate	
Preston	Thigpen of Evans	

Those not voting were Messrs.:

Allen	English	Parker
Binion	Evans of McDuffie	Pierce
Blackshear	Fowler of Douglas	Ragan
Boyd of Cook	Franklin of Bulloch	Rees
Brooks of Jackson	Goolsby	Reid
Bush	Gowen	Rountree
Campbell	Grant	Saunders
Clark	Hardman	Simmons
Connell	Howard	Smith of Henry
Coogler	Johnson	Summerour
Corbett	Jones of Paulding	Sumner
Culpepper of Mitchell	Kaigler	Swindle
Daughtry	Kelley	Terrell
Davis of Floyd	Kimbrough	Tipton
Douglass	Lanier	Tomlinson
Drake	Marshall	Wages
Easley	Mason	Yawn
Edwards of Lowndes	Miller	
Elliott	Moss	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 149, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

By Mr. Wohlwender of Muscogee—

House Bill No. 647. A bill to be entitled an Act to amend Section 30-107 of the Code of 1933, relating to residence of plaintiff in an action for divorce, so as to give certain Superior Courts jurisdiction over applications for divorce; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 1.

The bill having received the requisite constitutional majority was passed.

By Mr. Williams of Bacon—

House Bill No. 635.

### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the County of Bacon to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia for the purpose of refunding and retiring its existing bonded indebtedness and interest thereon due and unpaid as of January 1, 1939, and which becomes due up to and including July 1, 1939; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said bonded indebtedness and interest thereon that is or may become due and unpaid as of July 1, 1939; to provide for the submission of the amendment for ratification by the people; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the same, That Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph, in the following words, to-wit:

“And except that the County of Bacon may issue refunding serial bonds not in excess of the aggregate sum of \$30,000.00 for the purpose of refunding and retiring any bonded indebtedness and interest thereon of said county outstanding past due and unpaid on January 1, 1939, and any bonded indebtedness and interest thereon of said county outstanding and which becomes due up to and including July 1, 1939, and to provide for the assessment and collection of an annual tax, sufficient in amount to pay the principal and interest of said bonds as they fall due; the proceeds of all such refunding bonds so issued by the County of Bacon to be used exclusively for the purpose of paying and retiring said bonded indebtedness and interest thereon that is or may become due and unpaid as of July 1, 1939. Said refunding bonds shall be issued when authorized by a vote of the Commissioners of Roads and Revenues of Bacon County, and shall be validated as provided by law.”

Section 2. Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two thirds vote of the members of each House,

with the "ayes" and "nays" thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the proposed amendment to the Constitution shall have written or printed on their ballots the words, "For ratification of amendment of Article 7, Section 7. Paragraph 1, of the Constitution, authorizing the County of Bacon to issue refunding bonds," and all persons opposed to the adopting of said amendment shall have written or printed on their ballots the words, "Against ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the County of Bacon to issue refunding bonds." And if a majority of the electors qualified to vote for members of the General Assembly, voting thereon shall vote for ratification thereof, when the result shall be consolidated as now required by law in election for members of the General Assembly, the said amendments shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation therefor, as provided by law.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Carmichael of Cobb	Dockery
Allison of White	Carrington	Drinkard
Almand	Carter	Edwards of Lowndes
Atkinson	Chappell	Edwards of Taylor
Barlow	Cheney	Ennis, J. H.
Barrett	Clary	Ennis, Marion
Beck	Claxton	Etheridge of Houston
Bell	Clements of Calhoun	Evans of Laurens
Bennett of Clarke	Clements of Marion	Ferguson of Camden
Bennett of Ware	Clements of Wheeler	Ferguson of Sumter
Blease	Cobb	Ford
Bloodworth	Conner	Forrester of Crisp
Boyd of Cook	Cook	Forrester of Dade
Boyd of Greene	Corbett	Foster
Branch	Culpepper of Fayette	Fowler of Treutlen
Bray	Dallis	Franklin of Bulloch
Brooks of Oglethorpe	Davis of Coweta	Franklin of Polk
Bruce	Davis of Floyd	Gaines
Bynum	Dean	Gavin
Candler	DeFoor	Gill
Carmichael of Butts	Dickerson	Goddard

Gowen	Lewis	Sams
Graham	Lovett	Sanders
Grayson	Mankin	Sapp
Greene	Mason	Sartain
Grice	Maxwell	Scott
Griffin	McBride	Smiley
Gross of Washington	McCracken	Stiles
Guyton	McDaniel	Strickland of Haralson
Harden	McGraw	Strickland of Pierce
Harrison of Jenkins	McNall	Swindle
Hatchett	Merritt	Tate
Hayes	Middleton	Thigpen of Evans
Henderson	Moore of Lumpkin	Thigpen of Glascock
Herndon	Moore of Taliaferro	Tippins
Hill	Morgan	Trippe
Hinson	Mosely	Turner
Holtzendorff	Pannell	Vickery
Howard	Parham	Warren
Jackson	Pharr	Wells
Joel	Pilcher	Whipple
Jones of Brantley	Preston	Wiggins
Jones of Paulding	Purdy	Williams of Bacon
Jones of Richmond	Rawlins	Williams of Ware
Kennedy	Reid	Wohlwender
Key	Rogers	Yeomans
Kimbrough	Roughton	
King	Sabados	

Those not voting were Messrs.:

Allen	Elliott	Lanier
Allison of Gwinnett	English	Looper
Ansley	Etheridge of Baker	Marshall
Binion	Etheridge of <b>Fulton</b>	Miller
Blackshear	Evans of McDuffie	Mills
Brooks of Jackson	Flanders	Moss
Bush	Fowler of Douglas	Parker
Campbell	Goolsby	Pierce
Clark	Grant	Ragan
Connell	Gross of Stephens	Rees
Coogler	Hardman	Rossee
Culpepper of Mitchell	Harrison of Crawford	Rountree
Curry	Harvey	Saunders
Daughtry	Johnson	Simmons
Davidson	Kaigler	Smith of Henry
Douglass	Kelley	Smith of Schley
Drake	Kendrick	Summerour
Easley	Lanham	Sumner

Terrell	Tomlinson	Wright
Thornton	Wages	Yawn
Tipton	Whitaker	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 142, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed.

By Messrs. Marion Ennis and J. H. Ennis of Baldwin—

House Bill No. 625. A bill to be entitled an Act to enlarge the powers of the Board of Trustees of Georgia Military College; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 1.

The bill having received the requisite constitutional majority was passed.

Mr. Jones of Brantley requested that the Journal show that he voted against the passage of the bill.

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 472.

#### A BILL

To be entitled an Act to amend Article XI, Section III, of the Constitution of the State of Georgia by adding after Paragraph I thereof a new paragraph to be known as Paragraph II of Section III, of Article VI of said Constitution so as to provide that the General Assembly shall be given authority to provide that in the County of Fulton a chief clerk, or chief assistant, or chief deputy may be appointed by the Ordinary, Sheriff, Clerk Superior Court, Tax Receiver, Tax Collector, or Tax Commissioner, and County Treasurer as the case may be; further that the General Assembly may provide that in the case of a vacancy in the office of Ordinary, Sheriff, Clerk Superior Court, Tax Receiver, Tax Collector, or Tax Commissioner, and County Treasurer, and that the person so appointed as chief clerk, chief assistant, or chief deputy may fill the unexpired term of the officer making the appointment; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE State of Georgia, and it is hereby enacted by authority of the same:

#### SECTION 1.

That the Constitution of the State of Georgia is hereby amended as follows, to-wit: By adding a new paragraph to Section III, of Article XI of said Constitution, said new paragraph to follow Paragraph I and to be known as Paragraph II and to be in the following words and symbols, to-wit:

"Paragraph II. The General Assembly may provide, however, that the Ordinary, Sheriff, Clerk Superior Court, Tax Receiver, Tax Collector (or Tax Commissioner as the case may be) and County Treasurer, any one or all of them, serving in Fulton County, shall be required to appoint a chief clerk, chief assistant or chief deputy, from among such officer's assistants; the appointment to be made by the person occupying such respective office and to be for such term as the person making the appointment may designate, the term in no event to extend beyond the term of the person making the appointment; and the General Assembly may provide, further, that in said County of Fulton in the event a vacancy occurs in any of the offices here named, that such designated chief clerk, chief assistant or chief deputy may fill out the unexpired term of the person making the appointment, upon qualifying for such office as provided by law."

### SECTION 2.

Be it further enacted by the authority aforesaid, That whenever the above proposed amendment to the Constitution shall have been agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly, and the same has been entered on their Journals, with the yeas and nays taken thereon, the Governor shall be and he is hereby authorized and instructed to cause such amendment to be published in one or more newspapers in each Congressional District of this State, for two months next preceding the time of holding the next general election.

### SECTION 3.

Be it further enacted by the authority aforesaid, That the above proposed amendment shall be submitted for ratification or rejection to the electors of this State at the next general election to be held after the publication as provided for in the second section of this Act, in the several election districts of this State, at which election every person shall be qualified to vote who is qualified to vote for members of the General Assembly. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words:

"FOR RATIFICATION of amendment to Article XI, Section III, of the Constitution of Georgia by adding a new paragraph, authorizing the legislature to enact laws providing that in Fulton County, a chief clerk, or assistant or deputy may be appointed and in case of a vacancy in the office of the Ordinary, Sheriff, Clerk Superior Court, Tax Receiver, Tax Collector, or Tax Commissioner, or County Treasurer of said County, fill out the unexpired term of such officer."

and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words:

"AGAINST RATIFICATION of amendment to Article XI, Section III, of the Constitution of Georgia by adding a new paragraph, authorizing the legislature to enact laws providing that in Fulton County, a chief clerk, or assistant or deputy may be appointed and in case of a vacancy in the office of the Ordinary, Sheriff,

Clerk Superior Court, Tax Receiver, Tax Collector, or Tax Commissioner, or County Treasurer of said County, fill out the unexpired term of such officer.”

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If the people ratify such amendment by a majority of the electors qualified to vote for members of the General Assembly voting thereon such amendment shall become a part of the Constitution of this State. The returns of the election shall be made in like manner as returns for members of the General Assembly, and it shall be the duty of the Secretary of State to ascertain the result and to certify the result to the Governor, who shall, if such amendment be ratified make proclamation thereof.

#### SECTION 4.

Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

The report of the Committee which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Clary	Forrester of Crisp
Allison of Gwinnett	Claxton	Forrester of Dade
Almand	Clements of Calhoun	Foster
Barlow	Clements of Marion	Fowler of Treutlen
Barrett	Clements of Wheeler	Franklin of Bulloch
Beck	Cobb	Franklin of Polk
Bell	Conner	Gaines
Bennett of Clarke	Cook	Gavin
Bennett of Ware	Culpepper of Fayette	Gill
Blease	Dallis	Goddard
Bloodworth	Daughtry	Gowen
Boyd of Greene	Davis of Coweta	Graham
Branch	Dean	Greene
Bray	DeFoor	Grice
Brooks of Jackson	Dickerson	Griffin
Brooks of Oglethorpe	Dockery	Gross of Washington
Bruce	Drinkard	Harden
Bynum	Edwards of Lowndes	Harrison of Crawford
Candler	Elliott	Harrison of Jenkins
Carmichael of Butts	Ennis, J. H.	Hatchett
Carmichael of Cobb	Ennis, Marion	Hayes
Carrington	Etheridge of Baker	Henderson
Carter	Etheridge of Fulton	Hinson
Chappell	Ferguson of Camden	Holtendorff
Cheney	Ferguson of Sumter	Howard
Clark	Ford	Jackson

Joel	Middleton	Scott
Jones of Brantley	Moore of Lumpkin	Stiles
Jones of Paulding	Moore of Taliaferro	Strickland of Haralson
Jones of Richmond	Morgan	Strickland of Pierce
Kennedy	Pannell	Tate
Key	Parham	Thigpen of Evans
Kimbrough	Parker	Thigpen of Glascock
King	Pharr	Trippe
Lanham	Pilcher	Turner
Looper	Purdy	Vickery
Lovett	Rawlins	Warren
Mankin	Reid	Wells
Mason	Rogers	Whipple
Maxwell	Rossee	Whitaker
McBride	Roughton	Wiggins
McCracken	Sabados	Williams of Bacon
McDaniel	Sams	Williams of Ware
McGraw	Sanders	Wohlwender
McNall	Sapp	Wright
Merritt	Sartain	Yeomans

Those not voting were Messrs.:

Allen	Evans of Laurens	Mosely
Allison of White	Evans of McDuffie	Moss
Ansley	Flanders	Pierce
Atkinson	Fowler of Douglas	Preston
Binion	Goolsby	Ragan
Blackshear	Grant	Rees
Boyd of Cook	Grayson	Rountree
Bush	Gross of Stephens	Saunders
Campbell	Guyton	Simmons
Connell	Hardman	Smiley
Coogler	Harvey	Smith of Henry
Corbett	Herndon	Smith of Schley
Culpepper of Mitchell	Hill	Summerour
Curry	Johnson	Sumner
Davidson	Kaigler	Swindle
Davis of Floyd	Kelley	Terrell
Douglass	Kendrick	Thornton
Drake	Lanier	Tippins
Easley	Lewis	Tipton
Edwards of Taylor	Marshall	Tomlinson
English	Miller	Wages
Etheridge of Houston	Mills	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 138, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

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By Messrs. Moore of Lumpkin, Bennett of Ware, Yawn of Dodge, Brooks and Wages of Jackson—

House Bill No. 397. A bill to be entitled an Act to repeal Section 67-803 of the Code of Georgia of 1933, so as to provide for the giving of bond; and for other purposes.

Mr. Ferguson of Sumter moved that the House adjourn until Monday at 10:00 o'clock, and the motion was lost.

Mr. Bennett of Ware moved that House Bill No. 397. be postponed until Monday, and the motion prevailed.

By Messrs. Swindle of Berrien and Claxton of Johnson—

House Bill No. 690. A bill to be entitled an Act to authorize the State Highway Department to expend State-Aid Road funds upon any rural or post roads of the State not on the State Highway Road System; and for other purposes.

Mr. Claxton of Johnson moved that the bill be postponed until Monday, and the motion prevailed.

Mr. Connor of Dooley moved that the House do now adjourn until Monday at 10:00 o'clock, and the motion prevailed.

The following resolution of the House was read and adopted:

By Messrs. Fowler of Treutlen, Lovett of Laurens, Thigpen of Evans, Claxton of Johnson, Bennett and Williams of Ware, Atkinson of Chatham, Bloodworth of Bibb and J. H. Ennis of Baldwin—

House Resolution No. 189.

#### A RESOLUTION

Whereas, the Commodity Credit Corporation now owns and controls large quantities of gum spirits turpentine, and

Whereas, these products can be used advantageously in the thinning of paint, etc., and

Whereas, the U. S. Navy is now undertaking an expansion Naval Program and will have the need for large quantities of paint thinners, and

Whereas, because of the large quantities of gum spirit turpentine now being held and controlled by the Commodity Credit Corporation the price of these commodities are below cost of production, and there is no chance for a rise in prices until and unless this surplus is disposed of in some manner.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring that we urge the Honorable Carl Vinson, chairman of the Congressional

Committee on Naval Affairs, to use every effort to have the Navy Department to specify the use of gum spirit turpentine as a paint thinner in its expansion and regular program.

Be it further resolved that we request the Governor of Georgia to urge the Honorable Carl Vinson to use his best efforts in that direction.

Be it further resolved that a copy of the resolution to be sent to the Honorable Carl Vinson by the Clerk of the House.

By unanimous consent, the following bills of the Senate were read the first time and referred to the Committees:

By Senator Millican of the 52d District—

Senate Bill No. 113. A bill to be entitled an Act to amend Code Section 40-1608 of the Code of 1933 with reference to Assistant Attorney Generals; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senators Brown of the 4th, Dawson of the 2nd and Warnell of the 1st Districts—

Senate Bill No. 136. A bill to be entitled an Act to amend the Constitution authorizing the continuance of The Coastal Highway District as a political subdivision; and for other purposes.

Referred to Committee on Amendments to Constitution No. 1.

By Senators Brown of the 4th, Dawson of the 2d and Warnell of the 1st Districts—

Senate Bill No. 138. A bill to be entitled an Act to prescribe the rights, duties and responsibilities in connection with the continuance of The Coastal Highway District; and for other purposes.

Referred to Committee on Amendments to Constitution No. 1.

By Senator Durden of the 10th District—

Senate Bill No. 193. A bill to be entitled an Act to provide for the appointment of County Planning Councils; and for other purposes.

Referred to Committee on Counties and County Matters.

By Senator Dawson of the 2d District—

Senate Bill No. 196. A bill to be entitled an Act to repeal "An Act to abolish the office of Tax Collector of Liberty County, etc."; and for other purposes.

Referred to Committee on Counties and County Matters.

By Senator Abbott of the 18th District—

Senate Bill No. 209. A bill to be entitled an Act to amend the charter of the City of Augusta; and for other purposes.

Referred to Committee on Municipal Government.

By Senator ~~ii Groover~~ of the 37th District—

Senate Bill No. 216. A bill to be entitled an Act to amend an Act to consolidate the offices and duties of Tax Receiver and Tax Collector of Troup County; and for other purposes.

Referred to Committee on Counties and County Matters.

By unanimous consent, the following Committee reports were read:

Mr. Key of Jasper County, Chairman of the Committee on Appropriations, submitted the following report:

Mr. Speaker:

Your Committee on Appropriations have had under consideration the following resolution of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Resolution No. 181-787 B. Do pass.

Respectfully submitted,

Key of Jasper, Chairman.

Mr. Scott of Thomas, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 793. Do pass.

House Bill No. 796. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Kennedy of Tattnall County, Chairman of the Committee on State Prison Farms, submitted the following report:

Mr. Speaker:

Your Committee on State Prison Farms have had under consideration the following bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 186. Do pass.

Respectfully submitted,

Kennedy of Tattnall, Chairman.

Mr. Lanham of Floyd County, Chairman of the Committee on Ways and Means, submitted the following report:  
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Mr. Speaker:

Your Committee on Ways and Means have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 621. Do pass.

Respectfully submitted,

Lanham of Floyd, Chairman.

Mr. Clements of Wheeler County, Chairman of the Committee on Western and Atlantic Railroad, submitted the following report:

Mr. Speaker:

Your Committee on Western and Atlantic Railroad have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 570. Do not pass.

Respectfully submitted,

Clements of Wheeler, Chairman.

By unanimous consent, the following bills and resolution of the House and Senate, favorably reported, were read the second time:

By Messrs. Carmichael of Cobb, Culpepper of Fayette, Lanier of Richmond and Rees of Webster—

House Bill No. 621. A bill to be entitled an Act to establish a Department of Purchases for the State, to provide for a Supervisor of Purchasers; and for other purposes.

By Mr. Kennedy of Tattall—

House Bill No. 793. A bill to be entitled an Act amending an Act creating a Board of Commissioners of Roads and Revenues for the County of Tattall by providing for five members instead of four, and naming the chairman; and for other purposes.

By Mr. Moore of Lumpkin—

House Bill No. 796. A bill to be entitled an Act amending an Act re-incorporating the City of Dahlonega, by authorizing the Mayor and Council of Dahlonega to assess and levy street and sidewalk paving assessments against abutting property owners; and for other purposes.

By Mr. Key of Jasper—

House Resolution No. 181-787 B. A resolution authorizing payment of expenses to sub-committees of appropriation committee; and for other purposes.

By Senator Boykin of the 29th District—

Senate Bill No. 186. A bill to be entitled an Act to repeal Section 77-509 of the 1933 Code providing for the appointment of members of the Prison and Parole Commission; and for other purposes.

Leaves of absence were granted to Messrs. Whitaker of Appling, Lanier of Richmond and Ragan of Pulaski.

The Speaker Pro-Tem announced the House adjourned until Monday at 10:00 o'clock.

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Monday, March 13th, 1939.

The House met pursuant to adjournment this day at 10:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

By unanimous consent, the call of the roll was dispensed with.

Mr. Gross of Stephens, Acting-Chairman of the Committee on Journals, reported that the Journal of Friday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business, during the first period of unanimous consents:

1. Introduction of bills and resolutions, under the Rules of the House.
2. Report of Standing Committees.
3. Second reading of bills and resolutions, favorably reported.
4. Third reading and passage of local uncontested bills and resolutions of the House and Senate.
5. First reading and reference of Senate bills and resolutions.

By unanimous consent, the following bills and resolutions of the House were introduced, read the first time and referred to the Committees:

By Messrs. Mason of Morgan, Whipple of Bleckley, Lanham and Davis of Floyd, Harrison of Jenkins, Elliott of Muscogee, Pannell of Murray, Greene of Jones, Claxton of Johnson, Sartain of Walker, Gaines of Franklin, Daughtry of Wilkinson, Thigpen of Evans, Beck of Carroll, Trippe of Polk, Allison of Gwinnett, Evans of Laurens, Moore of Lumpkin, Holtzendorff of Ben Hill, Kendrick of Fulton, Almand of Walton, Stiles of Fannin, Culpepper of Fayette, Lovett of Laurens, Maxwell of Muscogee, and Davis of Coweta—

House Bill No. 812. A bill to be entitled an Act to create an Advisory Council to be known as the Georgia Advisory Council; to provide for the appointment of the members thereof; their salaries, duties and powers; and for other purposes.

Referred to Committee on Appropriations.

By Mrs. Mankin and Messrs. Kendrick and Etheridge of Fulton—

House Bill No. 813. A bill to be entitled an Act to create a commission to study local government in the City of Atlanta; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Gross of Stephens—

House Bill No. 814. A bill to be entitled an Act appropriating \$20,000.00 for the purpose of building a National Guard Camp near Toccoa; and for other purposes.

Referred to Committee on Appropriations.

By Mr. Atkinson of Chatham—

House Bill No. 815. A bill to be entitled an Act to amend the several Acts relating to and incorporating the Town of Thunderbolt, Chatham County, Georgia; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Campbell of Newton—

House Bill No. 816. A bill to be entitled an Act to amend Section 3 (2) of the Act creating the City of Avondale Estates, which said Section relates to the powers of the City Court; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Campbell of Newton—

House Bill No. 817. A bill to be entitled an Act to amend Section 27-2905 of the Code of 1933 by providing the manner of payment of costs in insolvent cases; and for other purposes.

Referred to Committee on Uniform State Laws.

By Mr. Campbell of Newton—

House Bill No. 818. A bill to be entitled an Act to amend Section 49-813, Code of 1933, so as to provide and facilitate proper commitment of persons to United States Veteran Hospitals; and for other purposes.

Referred to Committee on Uniform State Laws.

By Mr. Campbell of Newton—

House Bill No. 819. A bill to be entitled an Act to amend Section 49-803, Code of 1933, so as to facilitate the appointment of guardians for persons entitled to payments by the Veterans' Administration; and for other purposes.

Referred to Committee on Uniform State Laws.

By Messrs. Scott of Thomas, Corbett of Atkinson, Fowler of Treutlen, Etheridge of Houston, Moore of Taliaferro, Chappell of Sumter, McCracken of Jefferson, Branch of Tift, Whitaker of Appling, Claxton of Johnson, Swindle of Berrien, Flanders of Emanuel, and Gross of Washington—

House Resolution No. 190-815A. A resolution proposing to the qualified voters

an amendment to Paragraph 1, Section 7, Article 3, of the Constitution by providing the officers and employees of the two houses of the Legislature shall be limited to the president of the Senate, Speaker of the House, Secretary of the Senate, Clerk of the House, a messenger and doorkeeper for each house; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Messrs. Scott of Thomas, Corbett of Atkinson, Fowler of Treutlen, Etheridge of Houston, Moore of Taliaferro, Chappell of Sumter, Branch of Tift, Whitaker of Appling, Claxton of Johnson and McCracken of Jefferson, Swindle of Berrien, Flanders of Emanuel, and Gross of Washington—

House Resolution No. 191-815B. A resolution proposing to the qualified voters an amendment to Paragraph 1, Section 9, Article 3, of the Constitution so as to reduce the mileage allowed to members of the General Assembly; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

By Messrs. Scott of Thomas, Corbett of Atkinson, Fowler of Treutlen, Etheridge of Houston, Moore of Taliaferro, Chappell of Sumter, Branch of Tift, Whitaker of Appling, Claxton of Johnson, McCracken of Jefferson, Swindle of Berrien, Flanders of Emanuel, and Gross of Washington—

House Resolution No. 192-815C. A resolution proposing to the qualified voters an amendment to Paragraph 1, Section 9, Article 3, of the Constitution so as to fix the per diem of the members of the General Assembly; and for other purposes.

Referred to Committee on Amendments to Constitution No. 2.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills and resolution of the House, to-wit:

House Bills Nos. 86, 219, 232, 266, 301, 328, 427, 471, 472, 494, 625, 635, 647, 669, 673, 756, 758, 764, 773, 775, 780, 781, 782, 784, 785, 750.

House Resolution No. 189.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. McGraw of Meriwether County, Chairman of the Committee on General Judiciary No. 2, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 2 has had under consideration the

following bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

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Senate Bill No. 181. Do pass.

Respectfully submitted,

McGraw of Meriwether, Chairman.

Mr. Almand of Walton County, Chairman of the Committee on Penitentiary, submitted the following report:

Mr. Speaker:

Your Committee on Penitentiary have had under consideration the following bills of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 109. Do pass.

Senate Bill No. 160. Do pass, as amended.

Respectfully submitted,

Almand of Walton, Chairman.

Mr. J. H. Ennis of Baldwin County, Chairman of the Committee on Special Appropriations, submitted the following report:

Mr. Speaker:

Your Committee on Special Appropriations have had under consideration the following bills and resolution of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 759. Do pass.

House Bill No. 760. Do pass.

House Bill No. 700. Do pass.

House Bill No. 761. Do pass.

House Resolution No. 123-462B. Do pass.

Respectfully submitted,

J. H. Ennis of Baldwin, Chairman.

By unanimous consent, the following bills and resolution of the House and Senate, favorably reported, were read the second time:

By Mr. Harrison of Jenkins—

House Bill No. 700. A bill to be entitled an Act to appropriate to the Department of Natural Resources for the use of the Division of State Parks, Historic

Sites and Monuments, \$50,000.00 per annum for each of the two fiscal years 1939-1940 and 1940-1941; and for other purposes.

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By Mr. Allison of Gwinnett—

House Bill No. 759. A bill to be entitled an Act to appropriate certain sums of money for certain times to the State Veterinarian for the purpose of making indemnity payments to the owners of cattle reacting to the blood agglutination test for Bang's disease in Georgia; and for other purposes.

By Messrs. Marion Ennis and J. H. Ennis of Baldwin, Lanham and Davis of Floyd—

House Bill No. 760. A bill to be entitled an Act to appropriate \$483,991.08 to the State Department of Public Welfare for certain uses; and for other purposes.

By Mr. Key of Jasper—

House Bill No. 761. A bill to be entitled an Act to appropriate money for the maintenance of the Legislative Department; and for other purposes.

By Mr. Goolsby of Monroe—

House Resolution No. 123-462B. A resolution providing for compensation for Oscar M. Williamson, Monroe County, for destruction of his property by property owned by the Georgia Emergency Relief Administration; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 109. A bill to be entitled an Act to amend Section 201, Chapter 77, Title 77, Georgia Code of 1933, so as to provide that any county may establish and maintain quarters or other places of confinement for misdemeanor convicts; and for other purposes.

By Senators Howe of the 38th, Millican of the 52nd, Harrell of the 7th, Lindsay of the 34th, and Groover of the 37th Districts—

Senate Bill No. 160. A bill to be entitled an Act repealing the Act creating the State Penal Administration Board, and creating the Board of Penal Corrections, to provide the number of members to compose said Board; and for other purposes.

By Senator Groover of the 37th District—

Senate Bill No. 181. A bill to be entitled an Act amending an Act approved February 28, 1939, which amended Section 53-208 of the Code of 1933, by striking the last sentence of Section 1 of said Act and substituting in lieu thereof a new sentence so as to provide that from the recovery court costs and attorney's fees be first pair, and one-third of the remainder shall be paid to the person bringing the suit; and for other purposes.

By unanimous consent, the following bills were read the third time and placed upon their passage:

By Mr. Etheridge of Fulton—

House Bill No. 654. A bill to be entitled an Act to amend the Charter of the City of Atlanta so as to provide for a Department of Public Safety; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Kennedy of Tattnall—

House Bill No. 793. A bill to be entitled an Act to amend the Act creating the Board of Commissioners of Roads and Revenues of Tattnall County by providing for five members; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Rawlins of Telfair—

House Bill No. 795. A bill to be entitled an Act to create and incorporate the City of Jacksonville in the County of Telfair; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Moore of Lumpkin—

House Bill No. 796. A bill to be entitled an Act to amend the Charter of the City of Dahlonega so as to provide for paving of streets; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

The following resolutions of the House were read and adopted:

By Mr. Aiken of Bulloch—

House Resolution No. 193.

## A RESOLUTION

Whereas, the Hon. O. J. Coogler, Jr., a member of this body, has been ill for several days with a malady commonly called "mumps";

Be it resolved by the House that we express to him and his family our sincere wish for a speedy recovery and for no serious after-effects from his illness.

By Messrs. Fowler of Douglas, Key of Jasper and Edwards of Lowndes—

House Resolution No. 194.

## A RESOLUTION

Whereas, since the finances of the State Government are in such a chaotic condition it has been necessary that the members of this House of Representatives call on Hon. Zach Arnold the State Auditor and his staff for an unusual amount of financial data, and

Whereas, whenever requested, the data has been furnished cheerfully, willingly and promptly, and

Whereas, during heated debate and otherwise, on the floor of this House, there has not been the slightest insinuation that the State Auditor and his staff was not furnishing to this body absolutely unbiased and accurate information on the affairs of the State, be it therefore

Resolved, that this the House of Representatives, as a body, express its commendation and appreciation to the State Auditor and his staff for the services rendered this body and the people of the State and for the business like conduct of the affairs of the Department of Audits, and be it further

Resolved, that the clerk of the House be instructed to transmit to the State Auditor and his staff a duly certified copy of this resolution.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed, as amended, by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Lanier, Harris and Jones of Richmond, Kendrick of Fulton, and McNall of Chatham—

House Bill No. 49. A bill to amend an Act known as the "Unemployment Compensation Law" by making necessary provisions for correlating the operation of said law with the operation of the Railroad Unemployment Insurance Act; and for other purposes.

The following resolution of the House was read:

By Messrs. Parker and Barlow of Colquitt, and Forrester of Crisp—

House Resolution No. 195. A resolution urging Honorable Harold F Ickes, Secretary of the Interior of the United States, to disapprove the Architect's fees on the State Hospital Authority contract, and to examine all expenditures; and for other purposes.

Mr. Grayson of Chatham moved that the resolution be tabled.

On the motion to table, Mr. Tippins of Wilcox moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Gavin	Mankin
Allison of Gwinnett	Gill	Marshall
Almand	Goddard	Mason
Atkinson	Gowen	McCracken
Bennett of Clarke	Grant	McDaniel
Bennett of Ware	Grayson	McGraw
Boyd of Greene	Greene	McNall
Branch	Grice	Moore of Lumpkin
Bray	Griffin	Moore of Taliaferro
Carmichael of Cobb	Gross of Stephens	Pharr
Chappell	Gross of Washington	Pierce
Claxton	Harrison of Crawford	Preston
Clements of Calhoun	Harrison of Jenkins	Purdy
Conner	Harvey	Rawlins
Cook	Hatchett	Rossee
Corbett	Hayes	Rountree
Daughtry	Henderson	Sapp
Davidson	Herndon	Saunders
Davis of Floyd	Holtendorff	Scott
Dean	Howard	Smiley
Dickerson	Jackson	Smith of Henry
Dockery	Johnson	Tate
Drake	Jones of Richmond	Terrell
Ennis, Marion	Kaigler	Warren
Etheridge of Fulton	Kelley	Whitaker
Etheridge of Houston	Kendrick	Wiggins
Evans of Laurens	Key	Williams of Ware
Ferguson of Sumter	King	Wright
Fowler of Douglas	Lanham	Yawn
Franklin of Bulloch	Lewis	Yeomans

Those voting in the negative were Messrs.:

Allen	Barrett	Blease
Allison of White	Beck	Bloodworth
Barlow	Binion	Bruce

Bush	Franklin of Polk	Pilcher
Campbell	Graham	Reid
Candler	Guyton	Roughton
Carmichael of Butts	Harden	Sams
Clary	Hill	Sanders
Clements of Marion	Hinson	Smith of Schley
Clements of Wheeler	Joel	Stiles
Culpepper of Fayette	Jones of Brantley	Strickland of Haralson
Davis of Coweta	Kennedy	Strickland of Pierce
DeFoor	Kimbrough	Sumner
Drinkard	Looper	Swindle
Edwards of Lowndes	Lovett	Thigpen of Evans
Edwards of Taylor	Maxwell	Thornton
Elliott	McBride	Tippins
English	Merritt	Tipton
Etheridge of Baker	Middleton	Tomlinson
Evans of McDuffie	Mills	Vickery
Ferguson of Camden	Morgan	Wages
Ford	Mosely	Wells
Forrester of Crisp	Pannell	Wohlwender
Forrester of Dade	Parham	
Foster	Parker	

Those not voting were Messrs.:

Ansley	Culpepper of Mitchell	Miller
Bell	Curry	Moss
Blackshear	Dallis	Ragan
Boyd of Cook	Davis of Coweta	Rees
Brooks of Jackson	Douglass	Rogers
Brooks of Oglethorpe	Easley	Sabados
Bynum	Ennis, J. H.	Sartain
Carrington	Flanders	Simmons
Carter	Fowler of Treutlen	Summerour
Cheney	Gaines	Thigpen of Glascock
Clark	Goolsby	Trippe
Cobb	Hardman	Turner
Connell	Jones of Paulding	Whipple
Coogler	Lanier	Williams of Bacon

By unanimous consent, verification of the roll call was dispensed with.

On the motion to table, the ayes were 86, the nays 73.

The resolution was tabled.

By unanimous consent, the following bills of the House were withdrawn from further consideration:

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 503. A bill to be entitled an Act to repeal an Act known as an Act to create the State Hospital Authority; and for other purposes.

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By Messrs. Forrester of Crisp, Jones of Brantley, Lovett of Laurens and DeFoor of McIntosh—

House Bill No. 504. A bill to be entitled an Act to amend the State Hospital Authority Act by prescribing maximum fees to be allowed for drawing plans, specifications, engineering work and architectural supervision of buildings erected by the said Hospital Authority; and for other purposes.

Under the continuing order of business, established by the Committee on Rules, the following resolution of the House was taken up for consideration and read the third time:

By Mr. Moore of Lumpkin—

House Resolution No. 105-394B.

#### A RESOLUTION

Proposing to the qualified voters of the State of Georgia for ratification or rejection, an amendment to Article 7, Section 1, Paragraph 1, of the Constitution of Georgia providing how and for what purposes taxation may be exercised by adding to the said Article, Section and Paragraph a provision that no widow of a Confederate soldier shall be deprived of her pension by reason of having married subsequent to the death of her Confederate soldier husband.

Be it resolved by the General Assembly of Georgia:

Section 1. That Article 7, Section 1, Paragraph 1, of the Constitution of Georgia in reference to the purposes for which taxation may be exercised be and the same is hereby amended by adding at the end of said Paragraph 1 of Section 1 of Article 7 of the Constitution the following language: "No widow of a Confederate soldier shall be deprived of her pension by reason of having married again subsequent to the death of her Confederate soldier husband, provided she is now a widow."

Section 2. The foregoing amendment shall be published in one or more newspapers in each Congressional District of this State for two months preceding the next general election and at such election shall be submitted to the qualified voters of the State, qualified to vote for members of the General Assembly, for ratification or rejection. The voters voting in favor of the ratification of the amendment shall have written or printed upon their ballots, "For ratification of the amendment to Article 7, Section 1, Paragraph 1, of the Constitution of Georgia providing that no widow of a Confederate soldier shall be deprived of her pension by reason of having married again subsequent to the death of her Confederate soldier husband, provided she is now a widow." The voters voting against the ratification of the amendment shall have written or printed upon their ballots, "Against ratification of the amendment to Article 7, Section 1, Paragraph 1, of the Constitution of Georgia, providing that no widow of a Confederate soldier shall be deprived of her pension by reason of having married again subsequent to the death of her Confed-

erate soldier husband, provided she is now a widow." If a majority of the qualified voters voting at said election shall vote in favor of the ratification of the amendment, the Governor shall make proclamation thereof and the foregoing amendment shall become a part of the Constitution of the State of Georgia.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The resolution involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allen	Etheridge of Houston	McBride
Allison of Gwinnett	Evans of Laurens	McNall
Allison of White	Evans of McDuffie	Merritt
Almand	Flanders	Middleton
Atkinson	Ford	Mills
Barlow	Forrester of Crisp	Moore of Lumpkin
Bell	Forrester of Dade	Moore of Taliaferro
Bennett of Clarke	Foster	Parham
Bennett of Ware	Goddard	Pierce
Bloodworth	Graham	Pilcher
Boyd of Greene	Grant	Preston
Branch	Grayson	Purdy
Bray	Grice	Rawlins
Bruce	Griffin	Rees
Bush	Gross of Stephens	Reid
Carmichael of Butts	Gross of Washington	Rossee
Carmichael of Cobb	Guyton	Roughton
Carrington	Harden	Rountree
Clary	Harvey	Sams
Claxton	Henderson	Sanders
Clements of Wheeler	Herndon	Sapp
Conner	Holtzendorff	Sartain
Cook	Howard	Scott
Corbett	Jackson	Smiley
Culpepper of Fayette	Joel	Strickland of Haralson
Daughtry	Johnson	Sumner
Davis of Floyd	Jones of Richmond	Swindle
Dean	Kaigler	Tate
Dickerson	Kendrick	Thornton
Douglass	Kennedy	Tipton
Drinkard	Key	Tomlinson
Ennis, J. H.	Looper	Turner
Ennis, Marion	Lovett	Wages
Etheridge of Baker	Mankin	Warren
Etheridge of Fulton	Marshall	Whitaker

Wiggins

Yawn

Yeomans

Williams of Ware

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Those voting in the negative were Messrs.:

Aiken

Gavin

McCracken

Barrett

Gill

Moseley

Binion

Greene

Pannell

Clements of Calhoun

Harrison of Crawford

Rogers

Clements of Marion

Harrison of Jenkins

Saunders

Curry

Hatchett

Smith of Henry

Davis of Coweta

Hinson

Smith of Schley

DeFoor

Jones of Brantley

Stiles

Drake

Kelley

Thigpen of Evans

Elliott

Kimbrough

Wells

Ferguson of Camden

King

Wohlwender

Franklin of Bulloch

Lanham

Franklin of Polk

Maxwell

Those not voting were Messrs.:

Ansley

Dockery

Miller

Beck

Easley

Morgan

Blackshear

Edwards of Lowndes

Moss

Blease

Edwards of Taylor

Parker

Boyd of Cook

English

Pharr

Brooks of Jackson

Ferguson of Sumter

Ragan

Brooks of Oglethorpe

Fowler of Douglas

Sabados

Bynum

Fowler of Treutlen

Simmons

Campbell

Gaines

Strickland of Pierce

Candler

Goolsby

Summerour

Carter

Gowen

Terrell

Chappell

Hardman

Thigpen of Glascock

Cheney

Hayes

Tippins

Clark

Hill

Trippe

Cobb

Jones of Paulding

Vickery

Connell

Lanier

Whipple

Coogler

Lewis

Williams of Bacon

Culpepper of Mitchell

Mason

Wright

Dallis

McDaniel

Davidson

McGraw

By unanimous consent, verification of the roll call was dispensed with.

On the adoption of the resolution, the ayes were 109, the nays 37.

The resolution having failed to receive the requisite two-thirds constitutional majority, was lost.

Mr. Moore of Lumpkin gave notice that at the proper time he would move that the House reconsider its action in failing to adopt the resolution.

The following resolution of the House was read and adopted:

By Mr. Carrington of Barrow—

House Resolution No. 196.

#### A RESOLUTION

Whereas, there are many schools in Georgia that have closed their doors and many more that will be forced to close within the next few days unless sufficient funds can be provided, and

Whereas, there are many thousands of High School pupils in the State of Georgia who would finish high School at the close of this term, with the expectation of entering College, and

Whereas, the time and expense both to the parent and the pupil will be a great loss and will mean a year's delay on the part of a great number of young men and women wishing to enter College,

Therefore, be it resolved, that Supt. Collins confer with his department heads and the various school Superintendents of the schools affected and make every effort to finish students whose work proves they would have graduated with credit to themselves and their school,

Be it further resolved, that this body go on record as expressing our concern for the children and teachers of Georgia and yet bend our every effort to keep these schools open.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate, to-wit:

By Senators Brinson of the 42nd, Palmour of the 33rd and Howe of the 38th Districts—

Senate Bill No. 89. A bill creating the office of Judge Emeritus and providing for the appointment of judges of the Court of Appeals thereto; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 172. A bill to aid the Western & Atlantic Railroad by the creation of a commission authorized to contract in the name of the State for the construction, occupancy, use and maintenance of income producing buildings, etc.; and for other purposes.

By Senator Twiggs of the 40th District—

Senate Bill No. 185. A bill to amend the "Equalizing Educational Opportunities Act" approved February 10, 1937; and for other purposes.

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By Senator Twiggs of the 40th District—

Senate Bill No. 187. A bill to adopt an official Coat of Arms and official flag for the State of Georgia; and for other purposes.

By Senator Spivey of the 16th District, and others—

Senate Bill No. 206. A bill to authorize and provide the effect of docketing, indexing and recording of certified copies of petitions commencing proceedings under the Bankruptcy Act of the United States; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 214. A bill providing for examination of master and journeyman plumbers and steam fitters carrying on said vocations in counties having a population of 150,000 or more by the United States census of 1930 or future census; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill and resolution of the House, to-wit:

By Mr. Beck of Carroll—

House Bill No. 688. A bill to amend the Charter of the Town of Bowdon so as to provide for the closing of the Registration Books of said town 60 days prior to an election; and for other purposes.

By Mr. Key of Jasper—

House Resolution No. 176. A resolution favoring the passage of the "Federal Aid to Education Act of 1939"; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed, as amended, by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Parker and Barlow of Colquitt and Carmichael of Cobb—

House Bill No. 136. A bill amending Section 42-102 of the Code of Georgia of 1933 relating to the appointment, etc., of the Chief Drug Inspector; and for other purposes.

Under the continuing order of business, the following bill of the House was taken up for consideration and read the third time:

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By Messrs. Carmichael of Cobb, Culpepper of Fayette, Lanier of Richmond and Rees of Webster—

House Bill No. 621. A bill to be entitled an Act to establish a Department of Purchases for the State, to provide for a Supervisor of Purchases, to provide for purchases for all State Departments and Institutions; and for other purposes.

The House was resolved into the Committee of the Whole House to consider House Bill No. 621, creating a Department of Purchases, with instructions to dispense with the reading of the bill in the Committee, and the Speaker designated Mr. Bennett of Ware, as the Chairman thereof.

The Committee of the Whole House arose, and through its Chairman reported progress and asked leave to sit again.

Mr. Corbett of Atkinson moved that the House recess for one hour, and the motion prevailed.

2:00 o'clock, P M.

The Speaker called the House to order.

The House was again resolved into the Committee of the Whole House, to consider House Bill No. 621, creating a Department of Purchases, with Mr. Bennett of Ware in the Chair.

The Committee of the Whole House arose, and through its Chairman reported the bill back to the House with the recommendation that same do pass, as amended.

The main question was ordered.

The following Committee amendments to House Bill No. 621, were adopted in House.

Messrs. Gross of Stephens, Etheridge of Fulton and Carmichael of Cobb moved to amend House Bill No. 621, as follows:

1. By adding thereto four new sections to be appropriately numbered, as follows:

Section 1. That from and after the passage of this Act, it shall be unlawful for any employee or official of the State of Georgia to purchase, directly or indirectly, through the Supervisor of Purchases, or through any Agency, Department, Board or Bureau of the State, any article, material, merchandise, ware, commodity or other thing of value for the personal or individual ownership of himself or other person or persons. All articles, materials, merchandise, wares, commodities or other things of value purchased, directly or indirectly, by or through the Supervisor of Purchases or by or through any Agency, Department, Board or Bureau of the State shall be and remain the property of the State of Georgia until sold or disposed of

by the State in accordance with the laws governing the disposition or sale of other State property.

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Section a. It shall be unlawful for any person to knowingly sell or deliver any article, material, merchandise, ware, commodity, or other thing of value to any person, directly or indirectly, by or through the Supervisor of Purchases or by or through any Department, Agency, Board or Bureau of the State for the individual and personal ownership of such person or other person or persons, except that property of the State may be sold or otherwise disposed of in accordance with the laws governing the sale or other disposition of State property.

Section b. That within the meaning of this Act the word "person" shall include natural persons, firms, partnerships, corporations or associations.

Section c. Any violation of the provisions of this Section or any of its subdivisions shall be deemed a misdemeanor and punishable as such.

And moves to amend the caption of said bill accordingly.

Mr. Carmichael of Cobb County offers an amendment to House Bill No. 621, by adding to Section 3 thereof the following:

"Section 6(a). On all bids received or solicited by the Supervisor of Purchases or by any Department, Agency, Board or Bureau of the State or by any person in behalf of any Department, Agency, Board or Bureau of the State (except in the cases provided for in Section 8 of this Act) the following form letter, proposal and affidavit shall be used:

LETTER

Gentlemen:

Sealed bids will be received by the State of Georgia at.....  
Atlanta, Georgia, until ..... for furnishing the following mate-  
(date)

rials to the ..... of the State of  
(Department, Board, Agency, etc.)

Georgia, f.o.b. ...., Georgia:

Approximately

.....  
.....  
.....

All material to meet .....  
(Department, Board, Agency, etc.)

specification dated .....

Quantities are approximate only and may be increased or decreased, as the

..... sees fit.

(Dept., Board, etc.)

Right is reserved to reject any or all bids.

There is also attached an affidavit which must be executed by each bidder and returned with the enclosed proposal.

Please mark envelope 'Sealed bid to be opened .....

Yours very truly,

State of Georgia

By .....

PROPOSAL

Date .....

Proposal of .....

for furnishing the following .....

(material or equipment)

.....  
.....  
.....

to be delivered at ..... Georgia,

f.o.b. ....

To .....

(Department, Board, Agency, etc.)

Sirs: The following proposal is made on behalf of .....

.....  
(Names of those interested)

and no others. Evidence of my authority to submit the proposal is herewith furnished. The proposal is made without collusion on the part of any person, firm or corporation.

The following is my itemized proposal:

(See attached sheet for itemized proposal.)

It is understood and agreed that I have read .....  
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Specifications dated ..... and understand that this proposal is made in accordance with the provisions of said specifications, and that said specifications are made a part of this proposal as completely as if the same were attached thereto.

It is understood and agreed that this proposal is one of several competitive bids made to the ....., and in con-

(Department, Board, etc.)  
sideration of the mutual agreements of the bidders, similar hereto, and in consideration of the sum of One Dollar cash in hand paid, receipt whereof is hereby acknowledged, the undersigned agrees that this proposal shall be an option, which is hereby given by the undersigned to the .....

(Department, Board, Agency, etc.)

to accept or reject this proposal at any time within thirty days from the date on which this sealed proposal is opened and read, and, in consideration of the premises, it is expressly covenanted and agreed that this proposal is not subject to withdrawal by the proposer or bidder, during the term of said option.

There is attached hereto properly executed an affidavit showing that this bidder has no interest, directly or indirectly, in any other bid or proposal for said .....

and that this bidder will not receive any com-  
(material or equipment)

mission, directly or indirectly, on the sale of said .....

(material or equipment)

in the event some other person, firm or corporation should be declared low bidder for said .....

(material or equipment)

Witness my hand and seal this the ..... day of ....., 19.....

Terms:.....

Discount:.....

Signature.....(L. S.)

Address.....

AFFIDAVIT

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State of.....

County of.....

Before me, an officer of said State, authorized by law to administer oaths, personally came ....., who on oath says that the attached proposal is submitted independently of any other bid or proposal, and that this bidder has no interest, directly or indirectly, in any other bid or proposal for said ....., and that this bidder will not receive (material or equipment)

any commission or any sum whatsoever, directly or indirectly, on the sale of said .....in the event some other person, association, (material or equipment)

firm or corporation should be declared low bidder or awarded the contract or sale for said ..... (material or equipment)

.....  
Affiant.

Sworn and subscribed before me  
this the ..... day of  
..... 193.....  
.....

(Notary Public or other officer  
authorized to administer oaths.)

In the event any other information not required by the above stated letter, proposal or affidavit may be desired, the same may be demanded by the Supervisor of Purchases, or by any other person soliciting the bid. Any person, firm, association or corporation who submits with reference to a proposal to sell to the State an affidavit containing a false statement therein shall be barred from the bidders list for not less than two years. It shall be unlawful for any bidder or other person to pay any commission, fee, reward or grant any gratuity or anything of value to any employee or officer of the State for services in assisting him to obtain an award of contract for materials, supplies or equipment to be furnished the State or any Department, Bureau, Board or Agency thereof."

The gentleman from Cobb County also offers an amendment to the caption of House Bill No. 621 by adding to said caption the following:

"so as to provide a proper letter, proposal and affidavit to be used in receiving or soliciting certain bids by the Supervisor of Purchases or by any Board, Department, Agency or Bureau of this State or by any person in behalf of any Board, Department, Agency or Bureau of this State; so as to provide for a penalty against bidders making false affidavits; to prohibit the payment of a commission, fee, gratuity or other thing of value to any employee or official of the State."

Mr. Wiggins of Dodge moves to amend section three of House Bill No. 621 by adding a new paragraph immediately at the end of said section to read as follows:

"That Boards of Education of the various Counties of this State may petition the said State Department of Purchases to purchase their supplies, such as School Buses, Bus bodies, Tires, Parts and other equipment under the rules set out in this Act."

Messrs. Sabados of Dougherty and Guyton of Effingham move to amend House Bill No. 621 by striking Section 10, in its entirety and inserting in lieu thereof the following:

Section (10): "The Supervisor of Purchases may rent or lease any warehouse space necessary, for a period not to exceed five years. Provided, the supervisor of purchases may construct any warehouse, on State property only."

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Brooks of Jackson	Culpepper of Fayette
Allen	Brooks of Oglethorpe	Dallis
Allison of Gwinnett	Bruce	Daughtry
Allison of White	Bush	Davidson
Almand	Campbell	Davis of Coweta
Ansley	Candler	Davis of Floyd
Atkinson	Carmichael of Butts	Dean
Barlow	Carmichael of Cobb	DeFoor
Barrett	Carrington	Dockery
Beck	Carter	Drake
Bell	Chappell	Drinkard
Bennett of Clarke	Clary	Edwards of Taylor
Bennett of Ware	Claxton	Elliott
Binion	Clements of Calhoun	English
Blackshear	Clements of Marion	Ennis, J. H.
Blease	Clements of Wheeler	Ennis, Marion
Bloodworth	Cobb	Etheridge of Baker
Boyd of Cook	Conner	Etheridge of Fulton
Branch	Cook	Etheridge of Houston
Bray	Corbett	Evans of Laurens

Ferguson of Sumter	Kennedy	Sabados
Flanders	Key	Sams
Ford	Kimbrough	Sanders
Forrester of Crisp	King	Sapp
Foster	Lanham	Sartain
Franklin of Bulloch	Lewis	Saunders
Franklin of Polk	Looper	Scott
Gaines	Lovett	Smiley
Gavin	Mason	Smith of Henry
Gill	Maxwell	Smith of Schley
Graham	McBride	Stiles
Grant	McCracken	Strickland of Haralson
Grayson	McDaniel	Strickland of Pierce
Greene	McGraw	Sumner
Grice	McNall	Swindle
Griffin	Merritt	Tate
Gross of Stephens	Middleton	Terrell
Gross of Washington	Mills	Thigpen of Evans
Guyton	Moore of Lumpkin	Thornton
Harden	Moore of Taliaferro	Tippins
Harrison of Crawford	Morgan	Tipton
Harrison of Jenkins	Mosely	Tomlinson
Harvey	Pannell	Trippe
Hayes	Parham	Turner
Henderson	Parker	Vickery
Herndon	Pharr	Wages
Hinson	Pierce	Warren
Holtzendorff	Pilcher	Wells
Jackson	Preston	Whitaker
Joel	Purdy	Wiggins
Johnson	Rawlins	Williams of Ware
Jones of Brantley	Rees	Wohlwender
Jones of Paulding	Reid	Wright
Jones of Richmond	Rossee	Yawn
Kaigler	Roughton	Yeomans
Kelley	Rountree	
Kendrick		

Those voting in the negative were Messrs.:

Evans of McDuffie	Rogers
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Those not voting were Messrs.:

Boyd of Greene	Coogler	Easley
Bynum	Culpepper of Mitchell	Edwards of Lowndes
Cheney	Curry	Ferguson of Camden
Clark	Dickerson	Forrester of Dade
Connell	Douglass	Fowler of Douglas

Fowler of Treutlen	Howard	Simmons
Goddard	Lanier	Summerour
Goolsby	Mankin	Thigpen of Glascock
Gowen	Marshall	Whipple
Hardman	Miller	Williams of Bacon
Hatchett	Moss	
Hill	Ragan	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 170, the nays 2.

The bill having received the requisite constitutional majority was passed, as amended.

Under the continuing order of business, established by the Committee on Rules, the following bills of the House and Senate were taken up for consideration and read the third time:

By Senator Millican of the 52nd District—

Senate Bill No. 4. A bill to be entitled an Act regulating the sale, giving away or bartering of amital, veronal, luminal, or other similar drugs which have a base or are derived from Barbital, Barbiturates and Barbituric Acid; and for other purposes.

Mr. Clements of Wheeler moved the previous question, the motion prevailed, and the main question ordered.

The following Senate Substitute to House Bill No. 4, was read and adopted:

#### A BILL

To be entitled an Act to regulate the sale, possession, prescribing and dispensing of certain dangerous drugs, providing certain exemptions, providing for enforcement and penalties for violation thereof;

Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by authority of the same:

Section 1. It shall be unlawful for any person, firm, corporation or association to sell, give away, barter, exchange, distribute or possess in the State of Georgia amytal, luminal, veronal, barbital, acid diethylbarbituric, sulfanilamide, prontylin, neo-prontosil, or any salts, derivatives or compound of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives or compound or any trade-marked or copyrighted preparation or compound registered in the United States Patent Office containing more than four (4) grains to the avoirdupois or fluid ounce of the above substances, except on a prescription of a duly licensed physician as defined by this Act and such prescription shall be compounded only by a registered pharmacist in accordance with the laws of this State. The provisions of this Act shall not apply to the sale at wholesale by recognized drug jobbers or wholesalers and drug manufacturers to pharmacists or

drug stores or to physicians qualified to practice their profession according to the law, nor to the sale by pharmacists in drug stores to one another.

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Section 2. As provided by this Act a "physician" means a person authorized by the laws of this State to practice medicine and any other person authorized by law to treat sick and injured human beings and animals in this State and to use, mix, prepare, dispense and administer drugs in connection with such treatment.

Section 3. Whenever a pharmacist dispenses a dangerous drug as defined in this Act, he shall in each case place upon the container the following: name of the patient, name of the physician prescribing such drug, name and address of the drug store or pharmacy from which such drug was dispensed, together with the date of the prescription.

Section 4. Any physician as defined in this Act when prescribing dangerous drugs as set forth in Section 1 of this Act shall in each case give the name and address of the patient, together with complete directions for administering. Any physician as defined in this Act when dispensing dangerous drugs as set forth in Section 1 of this Act shall be required to comply with Section 3 of this Act.

Section 5. Possession and control of dangerous drugs as set forth in Section 1 of this Act shall be legal only if in the original container in which it was dispensed by the pharmacist or the physician and the burden of any exception shall be upon the defendant. No person shall obtain or attempt to obtain any of the dangerous drugs as set forth in Section 1 of this Act by the use of a fictitious name or by the giving of a false address.

Section 6. It is hereby made the duty of all law-enforcement officials to enforce all provisions of this Act.

Section 7. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished as for a misdemeanor.

Section 8. This Act shall be known as the "Dangerous Drug Act."

Section 9. This Act shall become effective June 1, 1939.

Section 10. All laws or parts of laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, by substitute.

On the passage of the bill, by substitute, the ayes were 125, the nays 2.

The bill having received the requisite constitutional majority was passed, by substitute.

Mr. Jones of Brantley requested that the Journal show that he voted against the passage of the bill.

By Messrs. Brooks of Oglethorpe, Herndon of Hart, Evans of McDuffie, Griffin of Wilkes, Hardman of Madison, and many others—

House Bill No. 590. A bill to be entitled an Act to legalize seining from July 15th to September 1st of each year in certain counties; and for other purposes.

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The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, Mr. Pilcher of Warren moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Foster	Mills
Allison of Gwinnett	Franklin of Bulloch	Moore of Taliaferro
Allison of White	Goddard	Pannell
Almand	Gowen	Parham
Bennett of Clarke	Grant	Pharr
Bennett of Ware	Greene	Pierce
Binion	Griffin	Pilcher
Boyd of Greene	Gross of Stephens	Preston
Bray	Guyton	Purdy
Brooks of Jackson	Harvey	Rees
Brooks of Oglethorpe	Hatchett	Reid
Bush	Hayes	Rossee
Campbell	Herndon	Sams
Carmichael of Butts	Hill	Sanders
Carmichael of Cobb	Jackson	Sapp
Carrington	Joel	Smith of Henry
Clary	Jones of Brantley	Smith of Schley
Claxton	Jones of Paulding	Stiles
Clements of Marion	Jones of Richmond	Strickland of Haralson
Cobb	Kelley	Swindle
Connell	Kendrick	Tate
Cook	Key	Terrell
Davidson	Kimbrough	Thornton
Dean	Lanham	Turner
DeFoor	Looper	Vickery
Drake	Lovett	Wages
Drinkard	Mankin	Wells
Evans of McDuffie	Marshall	Whipple
Ferguson of Camden	Mason	Wiggins
Flanders	McCracken	Williams of Ware
Ford	McNall	

Those voting in the negative were Messrs.:

Ansley	Blease	Branch
Barlow	Bloodworth	Bruce
Barrett	Boyd of Cook	Candler

Carter	Forrester of Crisp	Morgan
Clements of Calhoun	Franklin of Polk	Parker
Clements of Wheeler	Gaines	Rawlins
Culpepper of Fayette	Gavin	Rogers
Dallis	Gill	Roughton
Daughtry	Graham	Rountree
Davis of Coweta	Grice	Sartain
Davis of Floyd	Gross of Washington	Scott
Dockery	Harrison of Jenkins	Smiley
Douglass	Henderson	Sumner
Edwards of Lowndes	Hinson	Tippins
Edwards of Taylor	Holtzendorff	Tipton
Elliott	Johnson	Tomlinson
English	Kennedy	Warren
Ennis, J. H.	King	Whitaker
Ennis, Marion	Lewis	Williams of Bacon
Etheridge of Baker	Maxwell	Wohlwender
Etheridge of Fulton	McBride	Yawn
Etheridge of Houston	McGraw	Yeomans
Evans of Laurens	Middleton	
Ferguson of Sumter	Moore of Lumpkin	

Those not voting were Messrs.:

Allen	Dickerson	Merritt
Atkinson	Easley	Miller
Beck	Forrester of Dade	Mosely
Bell	Fowler of Douglas	Moss
Blackshear	Fowler of Treutlen	Ragan
Bynum	Goolsby	Sabados
Chappell	Grayson	Saunders
Cheney	Harden	Simmons
Clark	Hardman	Strickland of Pierce
Conner	Harrison of Crawford	Summerour
Coogler	Howard	Thigpen of Evans
Corbett	Kaigler	Thigpen of Glascock
Culpepper of Mitchell	Lanier	Trippe
Curry	McDaniel	Wright

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 92, the nays 70.

The bill having failed to receive the requisite constitutional majority, was lost.

The following resolution of the House was read and adopted:

By Mr. Carmichael of Cobb—

House Resolution No. 197. A resolution providing that the State of Georgia

cause "Old Locomotive, General," to be removed from the City of Chattanooga, Tennessee, to the Town of Kennesaw, Georgia; and for other purposes.  
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Under the continuing order of business, established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time:

By Messrs. Moore of Lumpkin, Bennett of Ware, Yawn of Dodge, and Brooks and Wages of Jackson—

House Bill No. 397. A bill to be entitled an Act to repeal Section 67-803 of the Code of Georgia of 1933, and to provide a new section therefor, so as to provide for the giving of a bond, the giving of a pauper's affidavit in lieu of bond in case of statutory foreclosure; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, Mr. Moore of Lumpkin moved the ayes and nays, and the call was not sustained.

On the passage of the bill, the ayes were 41, the nays 84.

The bill having failed to receive the requisite constitutional majority was lost.

By Messrs. Yawn of Dodge and Rawlins of Telfair—

House Bill No. 315. A bill to be entitled an Act to grant authority to the Federal Government for an agency, departments or corporations thereunder to buy certain lands in Dodge, Wheeler and Telfair Counties; and for other purposes.

Mr. Rawlins of Telfair moved that the bill be tabled, and the motion prevailed.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Messrs. Harris, Lanier and Jones of Richmond, Kendrick of Fulton, and McNall of Chatham—

House Bill No. 49. A bill to be entitled an Act to amend an Act, known as "Unemployment Compensation Law"; and for other purposes.

Mr. Forrester of Crisp moved that the House disagree to the Senate amendments to House Bill No. 49.

Mr. Lovett of Laurens moved that further consideration of the Senate amendments to House Bill No. 49, be postponed until tomorrow morning, and the motion prevailed.

Under the continuing order of business, established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Messrs. Swindle of Berrien and Claxton of Johnson—

House Bill No. 690. A bill to be entitled an Act to authorize the State Highway Department to expend State-Aid Road funds upon any rural or post roads of the State not on the State Highway Road System; and for other purposes.

Mr. Etheridge of Fulton moved the previous question, the motion prevailed, and the main question ordered.

A Substitute offered by Mr. Gross of Stephens was read and withdrawn.

The following amendment to House Bill No. 690, were read and adopted:

Mr. Carmichael of Cobb moves to amend the caption of House Bill No. 690 by striking therefrom the following: "to repeal an Act approved March 19, 1937 (Georgia Laws 1937, page 912) creating the United States Post Roads Division of the State Highway Department" and inserting in lieu thereof the following: "to transfer the duties, functions and powers of the Rural Post Roads Division to the State Highway Board."

Mr. Hayes of Miller moves to amend House Bill No. 690, Section one, line three by striking the words "State Highway Department Funds" and inserting in lieu thereof the following words: "funds now or hereafter allocated for Rural Post Roads work."

Mr. Carmichael of Cobb moves to amend Section 3 of House Bill No. 690 by striking Section 3 thereof in its entirety and substituting in lieu thereof the following: "All of the powers, duties and functions of the Rural Post Road Division of the State Highway Department as set out in the Act of the General Assembly and approved March 18, 1937 (Georgia Laws 1937, page 912) be and the same are hereby retained and transferred to the State Highway Board of Georgia."

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, Mr. Gross of Stephens moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Blease	Clements of Wheeler
Allen	Bloodworth	Cobb
Allison of Gwinnett	Boyd of Cook	Connell
Allison of White	Boyd of Greene	Conner
Almand	Branch	Cook
Atkinson	Bruce	Dallis
Barlow	Bush	Daughtry
Barrett	Campbell	Davidson
Bell	Candler	Davis of Coweta
Bennett of Clarke	Carmichael of Cobb	Davis of Floyd
Bennett of Ware	Chappell	DeFoor
Binion	Claxton	Dockery
Blackshear	Clements of Calhoun	Douglass

Drake	Hill	Rees
Drinkard	Hinson	Roughton
Edwards of Taylor	Holtzendorff	Rountree
Elliott	Howard	Sabados
English	Jackson	Sams
Ennis, J. H.	Joel	Sanders
Ennis, Marion	Johnson	Sapp
Etheridge of Baker	Jones of Brantley	Scott
Etheridge of Houston	Jones of Richmond	Smiley
Evans of Laurens	Kelley	Smith of Henry
Evans of McDuffie	Kennedy	Smith of Schley
Ferguson of Camden	Kimbrough	Stiles
Flanders	King	Strickland of Haralson
Ford	Lanham	Strickland of Pierce
Forrester of Crisp	Looper	Sumner
Fowler of Douglas	Lovett	Swindle
Franklin of Bulloch	Marshall	Tate
Franklin of Polk	Mason	Thigpen of Evans
Gill	Maxwell	Thornton
Goddard	McBride	Tippins
Gowen	McDaniel	Tipton
Graham	McGraw	Trippe
Grayson	McNall	Turner
Greene	Merritt	Vickery
Grice	Middleton	Wages
Gross of Washington	Mills	Warren
Guyton	Moore of Lumpkin	Whipple
Harden	Morgan	Wiggins
Harrison of Crawford	Mosely	Williams of Ware
Harrison of Jenkins	Parham	Wohlwender
Harvey	Parker	Wright
Hatchett	Pharr	Yawn
Hayes	Pilcher	Yeomans
Henderson	Purdy	
Herndon	Rawlins	

Those voting in the negative were Messrs.:

Beck	Foster	Moore of Taliaferro
Bray	Gaines	Pierce
Brooks of Jackson	Grant	Preston
Brooks of Oglethorpe	Griffin	Reid
Carrington	Gross of Stephens	Rogers
Clary	Kendrick	Tomlinson
Dean	Key	Wells
Edwards of Lowndes	Lewis	Whitaker
Etheridge of Fulton	Mankin	Williams of Bacon
Ferguson of Sumter	McCracken	

Those not voting were Messrs.:

Ansley	Curry	Miller
Bynum	Dickerson	Moss
Carmichael of Butts	Easley	Pannell
Carter	Forrester of Dade	Ragan
Cheney	Fowler of Treutlen	Rossee
Clark	Gavin	Sartain
Clements of Marion	Goolsby	Saunders
Coogler	Hardman	Simmons
Corbett	Jones of Paulding	Summerour
Culpepper of Fayette	Kaigler	Terrell
Culpepper of Mitchell	Lanier	Thigpen of Glascock

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 142, the nays 29.

The bill having received the requisite constitutional majority was passed, as amended.

Mr. Claxton of Johnson moved that the bill be immediately transmitted to the Senate, and the motion prevailed.

Mr. Foster of Towns moved that the House do now adjourn until tomorrow morning at 9:00 o'clock.

On the motion to adjourn, the ayes were 63, the nays 65, and the motion was lost.

Under the continuing order of business, established by the Committee on Rules, the following bills of the House and Senate were taken up for consideration and read the third time:

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

H. B. No. 359.

#### AN ACT

To amend Paragraph 2 of Section 6, of Article 7. of the Constitution of the State of Georgia so as to authorize the General Assembly to enact laws creating a Civil Service Commission and Civil Service System and/or Merit System for employees of Fulton County and for employees and deputies of county officers of Fulton County; and, further, to establish tenure of office for such employees and deputies and define the powers, duties, responsibility of the Civil Service Commission, employees and deputies coming under civil service classification, and county officers; and, further, to provide exceptions and exemptions to the operation of said laws; and for other purposes.

Be it enacted by the General Assembly of Georgia, and is hereby enacted by the authority of the same:

Section 1. That the Constitution of the State of Georgia is hereby amended as follows: By adding to Paragraph 2, of Section 6, of Article 7, thereof, the following words, to-wit:

“The General Assembly shall have the authority, however, to enact laws creating a Civil Service Commission and establishing a Civil Service System and/or Merit System for county employees and employees and deputies of county officers of Fulton County, including deputies and employees of the Sheriff, Tax Collector, Tax Receiver, Treasurer, Clerk of the Superior Court and Ordinary of said county, and in connection therewith to define and prescribe the powers and duties of such Civil Service Commission and such employees and deputies; and to enact laws defining the relation, obligation, duty and responsibility of employees and deputies under civil service classification with respect to county officers, and further define the relation, responsibility, obligation and duty of officers of Fulton County with respect to employees and deputies coming under civil service classification; to enact laws establishing tenure of office for such employees and deputies and to provide in what manner and for what reasons they may be removed or suspended from office; and to provide exceptions and exemptions to the operation of said laws.”

Section 2. Be it further enacted by the authority aforesaid, that whenever the above proposed Amendment to the Constitution shall have been agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly, and the same has been entered on their Journals, with the yeas and nays taken thereon, the Governor shall be and he is hereby authorized and instructed to cause such amendment to be published in one or more newspapers in each Congressional District of this State, for two months next preceding the time of holding the next general election.

Section 3. Be it further enacted by the authority aforesaid, that the above proposed amendment shall be submitted for ratification or rejection to the electors of this State at the next general election to be held after the publication as provided for in the second section of this Act, in the several election districts of this State, at which election every person shall be qualified to vote who is qualified to vote for members of the General Assembly. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, “For ratification of amendment to Paragraph 2, of Section 6, of Article 7, of the Constitution authorizing the Legislature to enact laws creating a Civil Service Commission and Civil Service System and/or Merit System for employees of Fulton County and for employees and deputies of county officers of Fulton County;” and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words, “Against ratification of amendment to Paragraph 2, of Section 6, of Article 7. of the Constitution authorizing the Legislature to enact laws creating a Civil Service Commission and Civil Service System and/or Merit System for employees of Fulton County and for employees and deputies of county officers of Fulton County.” If the people ratify such amendment by a majority of the electors qualified to vote for members of the General Assembly voting thereon such amendment shall become a part of the Constitution of this State. The returns of the election shall be made in like manner as returns

for members of the General Assembly, and it shall be the duty of the Secretary of State to ascertain the result and to certify the result to the Governor, who shall, if such amendment be ratified, make proclamation thereof.

Section 4. Be it further enacted by the authority aforesaid, that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Voting in the affirmative were Messrs.:

Aiken	Daughtry	Gross of Washington
Allen	Davidson	Guyton
Allison of Gwinnett	Davis of Coweta	Harden
Allison of White	Davis of Floyd	Harrison of Crawford
Almand	Dean	Harrison of Jenkins
Atkinson	Dockery	Harvey
Barlow	Douglass	Hatchett
Barrett	Drake	Hayes
Beck	Drinkard	Herndon
Bell	Edwards of Lowndes	Hill
Bennett of Clarke	Edwards of Taylor	Hinson
Bennett of Ware	Elliott	Holtendorff
Binion	English	Howard
Blease	Ennis, J. H.	Jackson
Bloodworth	Ennis, Marion	Joel
Boyd of Cook	Etheridge of Baker	Jones of Brantley
Boyd of Greene	Etheridge of Fulton	Jones of Richmond
Branch	Etheridge of Houston	Kelley
Bray	Evans of Laurens	Kendrick
Brooks of Oglethorpe	Evans of McDuffie	Kennedy
Bruce	Ferguson of Sumter	Key
Bush	Ford	King
Campbell	Forrester of Crisp	Lanham
Candler	Fowler of Douglas	Lewis
Carmichael of Cobb	Franklin of Bulloch	Looper
Carrington	Gaines	Lovett
Claxton	Gill	Mankin
Clements of Calhoun	Graham	Marshall
Clements of Wheeler	Grant	Mason
Cobb	Grayson	Maxwell
Conner	Greene	McBride
Cook	Grice	McCracken
Corbett	Griffin	McGraw
Dallis	Gross of Stephens	McNall

Middleton	Roughton	Tipton
Mills	Sabados	Tomlinson
Moore of Lumpkin	Sams	Turner
Morgan	Sapp	Vickery
Mosely	Sartain	Warren
Pannell	Scott	Wells
Parham	Smith of Schley	Whipple
Parker	Stiles	Whitaker
Pharr	Strickland of Haralson	Wiggins
Pierce	Strickland of Pierce	Williams of Bacon
Pilcher	Sumner	Williams of Ware
Preston	Swindle	Wohlwender
Purdy	Tate	Yawn
Reid	Terrell	Yeomans
Rossee	Thornton	

Voting in the negative was Mr.:

Foster

Those not voting were Messrs.:

Ansley	Ferguson of Camden	Moore of Taliaferro
Blackshear	Flanders	Moss
Brooks of Jackson	Forrester of Dade	Ragan
Bynum	Fowler of Treutlen	Rawlins
Carmichael of Butts	Franklin of Polk	Rees
Carter	Gavin	Rogers
Chappell	Goddard	Rountree
Cheney	Goolsby	Sanders
Clark	Gowen	Saunders
Clary	Hardman	Simmons
Clements of Marion	Henderson	Smiley
Connell	Johnson	Smith of Henry
Coogler	Jones of Paulding	Summerour
Culpepper of Fayette	Kaigler	Thigpen of Evans
Culpepper of Mitchell	Kimbrough	Thigpen of Glascock
Curry	Lanier	Tippins
DeFoor	McDaniel	Trippe
Dickerson	Merritt	Wages
Easley	Miller	Wright

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 146, the nays 1.

The bill having received the requisite two-thirds constitutional majority was passed.

By Senator Causey of the 46th District—

Senate Bill No. 128. A bill to be entitled an Act to amend an Act to abolish fee system in Superior Courts Waycross Judicial Circuit, providing for monthly payment of Solicitor of said Court; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 2.

The bill having received the requisite constitutional majority was passed.

Mr. Etheridge of Fulton requested that the Journal show that he voted against the passage of the bill.

By Mr. McNall of Chatham—

House Bill No. 449. A bill to be entitled an Act to repeal Section 12-609 of the Code of Georgia, 1933, relating to sales by pawnees; to enact in lieu thereof a provision providing how, when, and under what conditions property received in pledge by a pawnbroker may be sold; and for other purposes.

The following Committee Substitute to House Bill No. 449 was read and adopted:

#### A BILL

To be entitled an Act to repeal Section 12-609 of the Code of Georgia of 1933 relating to sales by pawnees; to enact in lieu thereof a provision providing how, when, in what manner and under what conditions property received in pledge by a pawnbroker may be sold; to provide for the proper distribution of the purchase money from such sale; to provide the hours within which pawnbrokers may transact business; to provide penalties for violation of this Act; and for other purposes.

Be it enacted by the General Assembly of Georgia and it is hereby enacted by authority of the same:

#### SECTION 1.

That Section 12-609 of the Code of Georgia of 1933 relating to sales by pawnees be and the same is hereby repealed and a new section is enacted in lieu thereof as follows:

“No pawnbroker shall sell any pawn or pledge until the same shall have remained five months in his possession, and all such sales shall be at public auction and not otherwise and shall be conducted by licensed auctioneers of the State and of the city where the business of the pawnee shall be carried on. All sales to be conducted between the legal hours of sale and on the day now established for sheriff's sale.

No pawn or pledge shall be sold unless written or printed notice of intention to sell, with a statement of the article or articles to be sold, has been first mailed by letter addressed to the pawner or pledger at the address given at the time of pawning or pledging at least ten days prior to the date of sale. Notice of every

such sale shall be published ten days previous to day of sale in a newspaper wherein sheriff's advertisements appear, and in the county in which said sale is to be conducted. [www.libtool.com.cn](http://www.libtool.com.cn)

If the pawn or pledge, at such sale, shall be purchased by the pawnbroker, the pawner or pledger shall be entitled to redeem same within ten days thereafter by tendering to the pawnbroker the amount of the loan with the interest due thereon.

The surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expense of the advertisement and sale, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place."

#### SECTION 2.

A pawnbroker who sells any article received by him in pledge before the time to redeem the same has expired, or who wilfully refuses to disclose the name of the purchaser and the price received by him for any article received by him in pledge, and subsequently sold, shall be guilty of a misdemeanor.

#### SECTION 3.

No pawnbroker shall transact any pawnbroking business or advance any money upon goods pawned or received except between hours of 7 o'clock A. M. and 6 o'clock P. M. on week days, excepting on Saturday, and then only between the hours of 7 o'clock A. M. and 12 o'clock midnight, nor shall any business be transacted by pawnbrokers, as such, between the hours of 12 o'clock midnight on Saturday and 7 o'clock A. M. on Monday and the violation of any provision of this Act is made a misdemeanor.

#### SECTION 4.

All laws or parts of laws in conflict with this Act be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, by substitute, was agreed to.

On the passage of the bill, by substitute, the ayes were 103, the nays 2.

The bill having received the requisite constitutional majority was passed, by substitute.

Mr. Etheridge of Fulton requested that the Journal show that he voted against the passage of the bill.

By Mr. Tippins of Wilcox—

House Bill No. 657. A bill to be entitled an Act to provide for holding three terms a year of the Superior Court of Wilcox County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

~~The bill having received~~ the requisite constitutional majority was passed.

The following Committee Reports were submitted and read:

Mr. Campbell of Newton County, Vice-Chairman of the Committee on Amendments to Constitution No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 1 have had under consideration the following bills and resolutions of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 136. Do pass.

Senate Bill No. 138. Do pass.

Senate Resolution No. 48. Do pass.

Senate Bill No. 161. Do pass.

House Resolution No. 18-104A. Do not pass.

House Resolution No. 7-32A. Do not pass.

House Bill No. 697. Do not pass.

House Bill No. 686. Do not pass.

House Resolution No. 6-32B. Do pass.

House Resolution No. 41-163C. Do not pass.

Respectfully submitted,

Campbell of Newton, Vice-Chairman.

Mr. Fowler of Treutlen County, Chairman of the Committee on Conservation, submitted the following report:

Mr. Speaker:

Your Committee on Conservation have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 714. Do pass.

Respectfully submitted,

Fowler of Treutlen, Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

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Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 216. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations.

House Bill No. 788. Do pass.

House Bill No. 789. Do pass.

House Bill No. 802. Do pass.

House Bill No. 803. Do pass.

House Bill No. 807. Do pass.

House Bill No. 809. Do pass.

House Bill No. 811. Do pass.

Senate Bill No. 209. Do pass.

House Bill No. 790. Do not pass.

House Bill No. 653. Do pass.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Lanham of Floyd County, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 806. Do pass.

House Bill No. 799. Do pass, as amended.

Respectfully submitted,

Lanham of Floyd, Chairman.

By unanimous consent, the following bills and resolutions of the House and Senate, favorably reported, were read the second time:

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 653. A bill to be entitled an Act to amend the charter of East Point; and for other purposes.

By Messrs. Fowler of Treutlen, Campbell of Newton, Corbett of Atkinson, Harrison of Jenkins, Jones of Richmond, Simmons of Decatur, DeFoor of McIntosh, Atkinson of Chatham, Marshall of Macon—

House Bill No. 714. A bill to be entitled an Act creating the State Park Authority; and for other purposes.

By Mr. Carmichael of Butts—

House Bill No. 788. A bill to be entitled an Act to amend an Act creating a new charter for the City of Jackson; and for other purposes.

By Mr. Carmichael of Butts—

House Bill No. 789. A bill to be entitled an act creating a new charter for the City of Jackson; and for other purposes.

By Mr. Jones of Richmond—

House Bill No. 799. A bill to be entitled an Act to amend Chapter 92-19 (Title 92) of the Code of Georgia of 1933 entitled "Public Revenue, Miscellaneous Occupations" so as to provide a tax for every peddler or traveling vendor of patent or proprietary medicine; and for other purposes.

By Messrs. J. H. and Marion Ennis of Baldwin—

House Bill No. 802. A bill to be entitled an Act to amend an Act establishing a new charter for the City of Milledgeville, and the several Acts amendatory thereof; and for other purposes.

By Mr. Jones of Richmond—

House Bill No. 806. A bill to be entitled an Act to prohibit any manufacturer or transient vendor of candies or sweets from consigning candies or manufactured sweets with individuals, persons, firms, corporations or associations who have not purchased a license authorizing them to sell and dispose of same; and for other purposes.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Bill No. 807. A bill to be entitled an Act to amend the charter of the City of Rome; and for other purposes.

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By Messrs. Sabados and Allen of Dougherty—

House Bill No. 809. A bill to be entitled an Act to amend Code Section 22 of the General Tax Act No. 360, approved March 28, 1935, Georgia Laws of 1935; which provides that no person shall be exempt from any tax imposed, who has more than one employee to assist in conducting such business; and for other purposes.

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 811. A bill to be entitled an Act to amend the charter of the City of Atlanta; and for other purposes.

By Mr. Evans of McDuffie—

House Resolution No. 6-32B. A resolution proposing a Constitutional Amendment to increase the purposes for which State Taxes may be levied; and for other purposes.

By Messrs. Lovett of Laurens and Fowler of Treutlen—

House Resolution No. 18-104A. A resolution proposing an Amendment to Article III, Section 4, Paragraph 3, of the Constitution abolishing the ten day special session of the General Assembly, and providing for the General Assembly to convene on the second Monday in January; and for other purposes.

By Senators Brown of the 4th, Dawson of the 2nd and Warnell of the 1st Districts—

Senate Bill No. 136. A bill to be entitled an Act to amend the Constitution authorizing the continuance of the Coastal Highway District as a political subdivision; and for other purposes.

By Senators Brown of the 4th, Dawson of the 2nd and Warnell of the 1st Districts—

Senate Bill No. 138. A bill to be entitled an Act to prescribe the rights, duties and responsibilities in connection with the continuance of the Coastal Highway District; and for other purposes.

By Senators Millican of the 52nd and Abbot of the 18th Districts—

Senate Bill No. 161. A bill to be entitled an Act to amend Article 13, Section 1, Paragraph 1, of the Constitution so as to provide that proposed amendments affecting only a county or municipality be submitted to the voters of such county or municipality; and for other purposes.

By Senator Abbot of the 18th District—

Senate Bill No. 209. A bill to be entitled an Act to amend the charter of the City of Augusta; and for other purposes.

By Senator Groover of the 37th District—

Senate Bill No. 216. A bill to be entitled an Act to amend an Act to consolidate the offices and duties of Tax Receiver and Tax Collector of Troup County; and for other purposes.

By Senators Brown of the 4th, Dawson of the 2nd and Warnell of the 1st Districts—

Senate Resolution No. 48. A resolution providing that the first ten Amendments to the United States Constitution be and the same are hereby ratified; and for other purposes.

The following report was submitted and ordered filed in the Journal:

Report of the House and Senate  
Committees on the Joint Inspection of the  
W and A Railroad Properties

To

Hon. John B. Spivey,  
President of the Senate,  
and

Hon. Roy V. Harris,  
Speaker of the House.

We your Committees of the House and Senate on the Western and Atlantic Railroad have made an inspection of the property of the State known as the W & A property.

Your Committeemen left the City of Atlanta at 10 A. M. on Saturday, March 4th, 1939, by train from the Union Station, and arrived in Chattanooga in due course. We were furnished no information as to the particular property to be inspected and no one who knew the property accompanied us. No one met us at Chattanooga to show us the property and we were forced to enquire from strangers as to just what property the State of Georgia owned. With the aid of one or two members of the House who were present we finally were shown the property known as the Plaza Hotel and the Eastern Hotel.

We looked over the Plaza property, which covers a triangular block near the center of the city, and found it in fairly good condition, but in need of a heating system and improved elevator facilities. This is a valuable piece of property, located very advantageously and with suitable modern improvements would be of immense value to the State.

We found the Eastern Hotel to be located on one of the most valuable corners of the city, but the building thereon is old and dilapidated. It is a four story building and the roof is decayed, water running through the ceilings and the plastering falling to such an extent as to be unsafe and unsuitable for habitation.

These two properties are not leased with the Railroad, but are leased, we are

informed, to J. B. Pound by the Leasing Authority of the State. Just what the term of the leases may be your Committees have not been informed.

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Your Committees then sought to locate the terminal property, that is, to say, the property leased to the N. C. & St. L. Ry. Co. We found the old Union or Central Station building and sheds in a fair state of repair, and, across the street from the station, one entire business block, completely covered in buildings of various types and sizes, consisting of hotels, factories, warehouses and business houses; the property fronts on four streets and each and every one of the places, apparently, was occupied.

We were then shown another block of property and informed that about three-fourths of this entire block of even more valuable property belonged to the State, but were unable to ascertain, in our limited time, just which of said block of property did or did not belong to the State. This property, too, fronts on four streets and its rental value is immense.

We are unable to give you the exact facts or figures, but your Committees feel safe in saying that a reasonable rental from this two blocks of property would go, in a large measure, to the payment of the \$45,000.00 per month rental paid to the State for the lease of the W & A. Railroad and we are unable to understand why this valuable property, no necessary part of the railroad or the terminals, should be tied up with the lease agreement, and all rentals go to the lessees instead of being segregated from railroad and terminals and handled to the advantage of the people of the State.

Your Committees realize that the lease on the railroad extends to 1967 and that nothing can be done to segregate this property until the lease expires, but we earnestly urge that steps be taken at once to prevent the continuation of a manifest injustice to the State by continuing to lease property of the State of Georgia to the lessee of the W. & A. Railroad where the property is in no manner connected with the railroad property or necessary in the operation of the railroad, and that no new leases be negotiated or permitted that will at the expiration of the present lease prevent the complete separation of the railroad property and the business property owned by the State.

Your Committees were informed that there was other property of the State in Chattanooga, some vacant, unimproved property, but for lack of information we can make no report as to same.

We recommend that a new Leasing Commission be created by this General Assembly to have charge of the leasing of the business property herein referred to and that said Commission have exclusive jurisdiction of all leasing and improvements on said property and that, at the end of the present lease of the Western and Atlantic Railroad, the segregation of said property be brought about, and that a special Committee of two Senators and three Representatives be appointed by the President

and Speaker, respectively, to ascertain the exact amount of rentals paid by tenants of said properties.

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Respectfully submitted,

This the 10th day of March, 1939.

R. A. Ingram, Chairman, Senate Committee;

J. McRae Clements, Chairman, House Committee.

Mr. Gross of Stephens moved that the House do now adjourn until 9:00 o'clock tomorrow morning, and the motion prevailed.

Leaves of absence were granted to Messrs. Thigpen of Glascock and Summerour of Bartow.

The Speaker announced the House adjourned until tomorrow morning at 9:00 o'clock.

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Tuesday, March 14th, 1939.

The House met pursuant to adjournment this day at 9 o'clock, A. M., was called to order by the Speaker and opened with a prayer by the Chaplain.

By unanimous consent, the call of the roll was dispensed with.

Mr. Brooks of Oglethorpe gave notice that at the proper time he would move that the House reconsider its action in failing to pass the following bill of the House, to-wit:

By Messrs. Brooks of Oglethorpe, Herndon of Hart, Evans of McDuffie, Dean of Rockdale, Griffin of Wilkes, Carrington of Barrow, and many others.

House Bill No. 590. A bill to be entitled an Act to legalize seining from July 15th to September 1st of each year in certain counties of this State; and for other purposes.

Mr. Gross of Stephens, Acting-Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first period of unanimous consent:

1. Introduction of bills and resolutions, under the Rules of the House.
2. Reports of standing committees.
3. Second reading of bills and resolutions, favorably reported.
4. Third reading and passage of local uncontested bills and resolutions.
5. First reading and reference of Senate bills and resolutions.

By unanimous consent, the following bills and resolutions of the House were introduced, read the first time and referred to the Committees:

By Mr. Harrison of Jenkins—

House Bill No. 820. A bill to be entitled an Act to create a new charter for the City of Millen, in the County of Jenkins, State of Georgia; and for other purposes.

Referred to Committee on Municipal Government.

By Mr. Boyd of Cook—

House Bill No. 821. A bill to be entitled an Act to amend an Act entitled "Intangibles—Classification," by striking Section 11 and enacting in lieu thereof a new Section 11; and for other purposes.

Referred to Committee on Ways and Means.

By Mr. Whitaker of Appling—

~~House Bill No. 822.~~ A bill to be entitled an Act to amend the charter of the City of Baxley; and for other purposes.

Referred to Committee on Municipal Government.

By Messrs. Jones of Paulding, Trippe and Franklin of Polk, and Fowler of Douglas—

House Bill No. 823. A bill to be entitled an Act to abolish the fee system in the Superior Courts of the Tallapoosa Circuit; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Edwards of Taylor—

House Resolution No. 198-823A. A resolution authorizing the State Librarian to furnish certain law books to Taylor County; and for other purposes.

Referred to Committee on Public Library.

By Messrs. Carmichael of Cobb, Harris of Richmond and Scott of Thomas—

House Resolution No. 199-823B. A resolution providing manner of suspension of maintenance tax by persons who did not use trucks during 1937 on the highways of this State; and for other purposes.

Referred to Committee on Counties and County Matters.

By Mr. Edwards of Lowndes—

House Resolution No. 200-823C. A resolution proposing to the qualified voters an amendment to Paragraph 2 of Section 1 of Article XI of the Constitution so as to consolidate the counties of this State into sixty counties; and for other purposes.

Referred to Committee on State of Republic.

Mr. Key of Jasper County, Chairman of the Committee on Appropriations, submitted the following report:

Mr. Speaker:

Your Committee on Appropriations have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 812. Do pass.

House Bill No. 814. Do pass.

Respectfully submitted,

Key of Jasper, Chairman.

Mr. Carmichael of Cobb County, Chairman of the Committee on Amendments to Constitution No. 2, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 2 have had under consideration the following resolutions of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Resolution No. 190-815A. Do pass.

House Resolution No. 191-815B. Do pass.

House Resolution No. 192-815C. Do pass.

Respectfully submitted,

Carmichael of Cobb, Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 787. Do pass.

House Bill No. 800. Do pass.

House Bill No. 808. Do pass.

Senate Bill No. 193. Do pass.

House Bill No. 816. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills and resolution of the House, to-wit:

House Bills Nos. 359, 449, 621, 654, 657, 690, 693, 795, 796.

House Resolution No. 197.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

~~Your Committee on~~ Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills of the House, to-wit:

House Bills Nos. 74, 99, 125, 131, 181, 194, 254, 447. 538, 539, 717.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Swindle of Berrien County, Chairman of the Committee on General Agriculture No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Agriculture No. 1 have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 195. Do pass.

House Bill No. 804. Do pass.

House Bill No. 659. Do pass.

Respectfully submitted,

Swindle of Berrien, Chairman.

Mr. Edwards of Lowndes County, Chairman of the Committee on State of Republic, submitted the following report:

Mr. Speaker:

Your Committee on State of Republic have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 224. Do pass.

House Bill No. 762. Do pass.

House Bill No. 810. Do pass.

Respectfully submitted,

Edwards of Lowndes, Chairman.

Mr. Dean of Rockdale County, Chairman of the Committee on Uniform State Laws, submitted the following report:

Mr. Speaker:

Your Committee on Uniform State Laws have had under consideration the following bills of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 817. Do pass.

House Bill No. 818. Do pass.

House Bill No. 819. Do pass.

Respectfully submitted,

Dean of Rockdale, Chairman.

By unanimous consent, the following bills and resolutions of the House and Senate, favorably reported, were read the second time:

By Mr. Edwards of Lowndes—

House Bill No. 224. A bill to be entitled an Act amending the Act of the General Assembly entitled "The Motor Fuel Tax Act," of March 18, 1937; and for other purposes.

By Messrs. Davis and King of Coweta—

House Bill No. 659. A bill to be entitled an Act to exempt vendors or peddlers of perishable farm products grown by the seller or peddler, or on his farm, from the payment of any occupation or license fee or tax, State, county or municipal; and for other purposes.

By Mr. Edwards of Lowndes—

House Bill No. 762. A bill to be entitled an Act to provide tax on transfers of stock and other corporate certificates; to provide amount of the tax; and for other purposes.

By Mr. Rossee of Putnam—

House Bill No. 787. A bill to be entitled an Act to abolish the offices of Tax Receiver and Tax Collector of Putnam County; to provide the office and compensation of Tax Commissioner; and for other purposes.

March 8, 1937, Pages 1301-02, of the 1937 Acts creating the office of Tax Collector

House Bill No. 800. A bill to be entitled an Act to repeal an Act approved March 8, 1937, Pages 1301-02 of the 1937 Acts creating the office of Tax Collector of Coffee County; and for other purposes.

By Messrs. Swindle of Berrien and Branch of Tift—

House Bill No. 804. A bill to be entitled an Act establishing and creating a public corporation to be known as the "Atlanta Produce Market Authority"; and for other purposes.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 808. A bill to be entitled an Act to amend Acts 1931, Pages 686-691, so as to provide that the City Council of Augusta may delegate to the City Planning Commission power and authority to permit exceptions to and variations from the zoning regulations; and for other purposes.

By Mr. Allen of Dougherty—

~~House Bill No. 810~~ ~~House Bill No. 810~~ A bill to be entitled an Act to amend Section 22 of the General Tax Act No. 360, approved March 28, 1935, Georgia Laws of 1935; which provides that no person shall be exempt from any tax imposed, who has more than one employee to assist in conducting such business; and for other purposes.

By Messrs. Mason of Morgan, Whipple of Bleckley, Lanham and Davis of Floyd, Harrison of Jenkins, Elliott of Muscogee, Pennell of Murray, Greene of Jones, Claxton of Johnson, Sartain of Walker, Gaines of Franklin, Daughtry of Wilkinson, Thigpen of Evans, Beck of Carroll, Trippe of Polk, Allison of Gwinnett, Evans of Laurens, Moore of Lumpkin, Holtzendorff of Ben Hill, Kendrick of Fulton, Almand of Walton, Stiles of Fannin, Culpepper of Fayette, Lovett of Laurens, Maxwell of Muscogee, and Davis of Coweta—

House Bill No. 812. A bill to be entitled an Act to create an Advisory Council to be known as the Georgia Advisory Council; to provide for the appointment of the members thereof; their salaries, duties and powers; and for other purposes.

By Mr. Gross of Stephens—

House Bill No. 814. A bill to be entitled an Act appropriating \$20,000.00 for the purpose of building a National Guard Camp near Toccoa; and for other purposes.

By Mr. Campbell of Newton—

House Bill No. 816. A bill to be entitled an Act to amend Sections 3 (2) of the Act creating the City of Avondale Estates, which said Section relates to the powers of the City Court; and for other purposes.

By Mr. Campbell of Newton—

House Bill No. 817. A bill to be entitled an Act to amend Section 27-2905 of the Code of 1933 by providing the manner of payment of costs in insolvent cases; and for other purposes.

By Mr. Campbell of Newton—

House Bill No. 818. A bill to be entitled an Act to amend Section 49-813, Code of 1933, so as to provide to facilitate proper commitment of persons to United States Veteran Hospitals; and for other purposes.

By Mr. Campbell of Newton—

House Bill No. 819. A bill to be entitled an Act to amend Section 49-803, Code of 1933, so as to facilitate the appointment of guardians for persons entitled to payments by the Veterans' Administration; and for other purposes.

By Messrs. Scott of Thomas, Corbett of Atkinson, Fowler of Treutlen, Etheridge of Houston, Moore of Taliaferro, Chappell of Sumter, McCracken of Jefferson, Branch of Tift, Whitaker of Appling, Claxton of Johnson, Swindle of Berrien, Flanders of Emanuel and Gross of Washington—

House Resolution No. 190-815A. A resolution proposing to the qualified voters an amendment to Paragraph 1, Section 8, Article 3, of the Constitution, by providing the officers and employees of the two houses of the Legislature shall be limited to the President of the Senate, Speaker of the House, Secretary of the Senate, Clerk of the House, a Messenger and Doorkeeper for each house; and for other purposes.

By Messrs. Scott of Thomas, Corbett of Atkinson, Fowler of Treutlen, Etheridge of Houston, Moore of Taliaferro, Chappell of Sumter, Branch of Tift, Whitaker of Appling, Claxton of Johnson, McCracken of Jefferson, Swindle of Berrien, Flanders of Emanuel and Gross of Washington—

House Resolution No. 191-815B. A resolution proposing to the qualified voters an amendment to Paragraph 1, Section 9, Article 3, of the Constitution, so as to reduce the mileage allowed to members of the General Assembly; and for other purposes.

By Messrs. Scott of Thomas, Corbett of Atkinson, Fowler of Treutlen, Etheridge of Houston, Moore of Taliaferro, Chappell of Sumter, Branch of Tift, Whitaker of Appling, Claxton of Johnson, McCracken of Jefferson, Swindle of Berrien, Flanders of Emanuel and Gross of Washington—

House Resolution No. 192-815C. A resolution proposing to the qualified voters an amendment to Paragraph 1, Section 9, Article 3, of the Constitution so as to fix the per diem of the members of the General Assembly; and for other purposes.

By Senator Durden of the 10th District—

Senate Bill No. 193. A bill to be entitled an Act to provide for the appointment of County Planning Councils; to provide for organization, duties and powers; to provide for the adoption of official county plans; and for other purposes.

By Senator McCranie of the 48th District—

Senate Bill No. 195. A bill to be entitled an Act to promote the use of cotton and cotton goods; to regulate the package of fertilizer, cement, cotton bales, cotton seed meal, mixed chicken feeds and farm grains so as to provide for cotton cloth containers; and for other purposes.

By unanimous consent, the following bills of the House and Senate were read the third time and placed upon their passage:

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 653. A bill to be entitled an Act to amend the charter of East Point; and for other purposes.

The following Committee Substitute to House Bill No. 653 was read and adopted:

## A BILL

~~To be entitled an Act~~ to amend an Act entitled "An Act to create a new charter for the City of East Point" approved August, 1912, and the several acts amendatory thereof; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that:

## Section 1.

From and after the passage and approval of this Act the City of East Point, the City Council of East Point or the governing authorities of the City of East Point, by whatever name the same may be hereafter known, are granted authority hereby to pass zoning and planning laws whereby said City may be zoned or districted for various uses and other or different uses prohibited therein, and to regulate the use of which said zones or districts may be set apart, and to regulate the plans for development and improvement of real estate therein.

## Section 2.

A Zoning and Planning Commission for the City of East Point is hereby created to consist of five members, one member to be appointed from each ward in said City by the City Council of East Point to serve for a term of three years and until his successor is appointed and qualified; provided, that of the first three members of said Commission appointed by the City Council one shall serve from date of his appointment and qualification to the first Tuesday after the first Monday in January, 1940, and one of the first members of said Commission appointed by the City Council shall serve from date of his appointment and qualification to the first Tuesday after the first Monday in January, 1941, and the other member of said Commission appointed by the City Council of East Point shall serve from date of his appointment and qualification to the first Tuesday after the first Monday in January, 1942. Commencing with the first Tuesday after the first Monday in January, 1940, the City Council of East Point shall at the reorganization meeting in each year appoint a successor to the member of said Commission whose term expires on said date for a term of three years from said date and until his successor is appointed and qualified. The three members of said Commission first appointed by the City Council of East Point shall upon their appointment and qualification assemble in the City of East Point and elect from the City at large a fourth member of said Commission, which fourth member shall be Chairman of said Commission, and the term for which the Chairman of said Commission shall serve shall be two years; provided, that the first Chairman elected under this Act shall serve from the date of his election and qualification up to and until the first Wednesday after the reorganization meeting of City Council in January, 1940, at which time the members of said Commission appointed by the City Council of East Point shall elect a Chairman from the City at large for the term of two years and until his successor shall have been elected and qualified, and thereafter the election of said Chairman of said Commission is to be from the City at large and is to be held on the first Wednesday after the reorganization meeting of the City Council of East Point every two

years. The fifth member of said Commission shall be the Building Official of said City. Each member of said Commission, including the Chairman, shall have one vote in all matters before said Commission, except in selecting a Chairman, who shall in all cases be selected only by the members appointed by City Council.

### Section 3.

The City Clerk of the City of East Point is hereby required to act as Secretary to said Commission and in this capacity to attend and keep correct and accurate minutes of all of the meetings of said Commission and a correct record of all of its acts and doings.

### Section 4.

Members of said Commission shall be disqualified to act in any matter affecting the rights of persons related to them by blood or marriage within the fourth degree or in any matter in which such member is financially interested directly or indirectly. The City Council of East Point shall fill the place of any disqualified member of said Commission in any matter upon ten days notice in writing of the disqualification of a member. Questions of disqualification shall be passed upon in the first instance by the Commission itself, but decisions of said Commission on all questions shall be subject to review by certiorari by Fulton Superior Court.

### Section 5.

The City Council of East Point is hereby authorized and empowered to adopt all necessary, proper ordinances, rules and regulations governing practice and procedure of said Commission, the conduct of hearings before said Commission, and to carry plans and decisions of said Commission into effect, and to punish persons for violation of such ordinances, rules, regulations, plans and decisions.

### Section 6.

Said Commission shall have power and authority to subpoena and compel the attendance of witnesses and to subpoena and compel the production of documentary evidence and to fix and adopt rules and regulations with respect to practice, procedure and the conduct of hearings before said Commission and the transactions of matters before said Commission, not inconsistent with the rules, regulations or ordinances adopted by the City Council of East Point, nor with any law of this State.

### Section 7.

Be it further enacted by the authority aforesaid and it is hereby enacted by authority of the same, that members of said Commission shall serve without compensation, and that no person shall be eligible for appointment to said Commission, as a member of said Commission, who is not a freeholder and a bona fide resident of said City at the time of said election, and any member of said Commission ceasing to be either a freeholder or a bona fide resident of said City shall immediately cease to be a member of said Commission without the taking of any formal or other action.

## Section 8.

The Zoning and Planning Commission created by this Act shall have such power, authority and jurisdiction as may be vested in it by this Act and by ordinances adopted by the City Council of East Point and no other; provided, however, that no ordinance or resolution adopting any districting or zoning plan or limiting the use to which property zoned may be put, may be adopted by the City Council of East Point until the same shall have been first worked out and adopted by the Zoning and Planning Commission created by this Act; and provided further that an opportunity shall be afforded by said Commission or by the City Council to persons affected by any plan, or zoning ordinance, to be heard in opposition to its adoption; provided, the only notice of the time and place of hearing of objections to the adoption of any ordinance zoning any district shall be published once at least thirty days in advance of the date of the hearing on such ordinance in the official organ of said City, and no other notice shall be required. All objections shall be made at or before said hearing and not thereafter.

## Section 9.

When the regular meeting date of the City Council of East Point or of any Board, Bureau, Commission or Committee of said City is a holiday, the regular meeting date shall be the next succeeding day thereafter.

## Section 10.

Police officers of the City of East Point shall have authority to make arrests anywhere within or without said City, except in other cities, and the Recorder's Court of said City shall have territorial jurisdiction of any charge for violating any law or ordinance of said City, any rule or regulation of said City, or any Board, Commission, Bureau or Department of said City, or any rule or regulation of the State of Georgia, or County of Fulton, or any law of the United States or any political subdivision thereof, for the purpose of making a preliminary investigation, acting as a committing Court where the offense charged is committed within said City or within one-half mile of said City.

## Section 11.

Under such arrangements with other political subdivisions of this State as the City Council of East Point may make, the Fire Department of said City and the members of said Fire Department may answer calls anywhere within or without the limits of said City with the fire-fighting equipment of said City, the charges for the services rendered without the City of East Point by said Fire Department to be prescribed by ordinance of the City Council of East Point, and there shall be no more liability on account of negligence against said City or any of its firemen on duty without the limits of said City than there is within said City in case of injury or accident.

## Section 12.

Notice to employees of said City of the time and place of hearing of charges

against them before the City Council of East Point or any Committee thereof shall be deemed reasonable if served three days before the date of the hearing.

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#### Section 13.

Any and all positions, offices or places of employment heretofore created by charter provision, ordinance of the City Council of East Point or resolution of the City Council of East Point, or by any other authority whereby there is now any office, place or position under the government of said City, which office, place or position is now vacant, is hereby abolished.

#### Section 14.

The Act approved August 26, 1929, as the same appears on Page 1044 of the Acts of 1929, providing for pension for City employees of the City of East Point is hereby repealed.

#### Section 15.

Each Alderman of the City of East Point may receive an annual salary of \$600.00 payable monthly in installments of not exceeding \$50.00 each, said monthly payments to be made at the end of each month for which said salary is paid.

#### Section 16.

Actions at law or in equity against said City or any of its officers may be brought at any time within one year from the time the cause of action arose, but not thereafter; provided, that no suit at law or in equity may be brought against said City or any of its officers on any claim for any cause, notice of which claim or cause is not served in writing upon said City or officer within ninety days from the date the alleged cause of action arose.

#### Section 17.

The offices of General Inspector and of Assistant General Inspector of the City of East Point are hereby created. The General Inspector of the City of East Point and Assistant General Inspector shall be elected by the City Council of East Point at the reorganization meeting of City Council in each year for a term of one year and until their successors are elected and qualified, and it shall be the duty of this General Inspector to inspect all buildings and their construction and excavation of buildings, the wiring and plumbing in buildings of all types within said City, erection, alterations, changes, removal or tearing down of buildings. Such Inspector shall have power and authority to inspect all foods and merchandise bought, sold, exchanged or traded within said City, and have the power and authority to condemn such as shall not be fit for the purposes for which it was intended, and such Inspector shall also be charged with the duty of making tests of weights and measures, inspecting the same, and enforcing the law against short weights or measures and against cheating, swindling and defrauding by weights or measures; such officer shall have the authority and it shall be his duty to arrest persons violating any of the laws of said City with the enforcement or execution of which said officer is charged. The General Inspector may act by himself, his assistant, or others.

## Section 18.

~~The office of Water~~ and Light Superintendent for said City is hereby created and the office of Street Foreman for said City is hereby created, and the office of Meter Reader for said City is hereby created, and the office of Assistant to each of the foregoing is hereby created, and the office of Assistant City Clerk is hereby created. The terms of each office named in this Section shall be for one year from the date of their election or appointment and qualification and until their successors are elected and qualified; provided, the first terms under this Section will end the first Tuesday in January, 1940. Election of all of said officers is vested in the City Council.

## Section 19.

A Sanitary Department for the City of East Point is hereby created, which shall be composed of a Superintendent and such other officers, agents and employees as may be prescribed by ordinance by the City Council of East Point. The Superintendent of the Sanitary Department shall be appointed by the City Council of East Point at its reorganization meeting in January of each year, to serve for a term of one year and until his successor is elected and qualified, and any Assistant Superintendent provided for in said Department shall be appointed in like manner and for a like term; provided, that any appointment made after the reorganization meeting of the City Council of East Point in any given year shall be only until the reorganization meeting of the City Council in the next year and until the successor of such appointee is elected or appointed and qualified. The compensation of the Superintendent and of any Assistant Superintendent or other officer, agent or employee of said Sanitary Department shall be fixed by the City Council of East Point at its reorganization meeting in each year and may not be increased or decreased during the year for which the same is fixed; provided, however, that the duties of Superintendent, Assistant Superintendent, or other officer, agent or employee of said Sanitary Department may be placed upon any other officer, agent or employee of said City, without compensation, by the City Council of East Point; and, provided further, that in the interest of economy, any officer, agent or employee of said Sanitary Department may be removed at any time by the City Council of East Point, but the term of any person elected or appointed to any position in said Department may not be shortened without the consent of such officer, agent or employee except for cause, where the same is to be refilled immediately by some other person, and except after giving such officer, agent or employee reasonable opportunity to be heard and have a fair trial before the City Council of East Point on such charges as may be made the grounds for discharging such officer, agent or employee.

## Section 20.

A majority of the members of any Board, Bureau, Committee, Commission, or other agency of said City, authorized to act for said City, or of any committee of the City Council of East Point, shall constitute a quorum for the transaction of any business properly before any such Board, Bureau, Commission or Committee, and in the event such quorum should at any time consist of only two persons, and such two members cannot agree with respect to any matter under consideration, such

matter should be continued until the other member of said Board, Bureau, Commission or Committee can be present, unless the matter under consideration is an emergency matter in which event the decision of the member of such Board, Bureau, Commission or Committee of higher rank or position on such Board, Bureau, Commission or Committee shall control.

#### Section 21.

A Board of Registrars is hereby created for said City to consist of three persons, one of which shall serve a term of one year, and one a term of two years and one a term of three years from the date of their election and qualification in January, 1940; provided, that the first members of said Board elected under this Act shall serve until the reorganization meeting of the City Council in January, 1940, when all three members shall be elected to serve as above stated and thereafter, their successors shall each serve for a term of three years, and until their successors are elected and qualified. It shall be the duty of said Board of Registrars to register all persons entitled to vote within the City of East Point and to keep a true and correct registration list for each ward of all persons entitled to vote within said City. It shall be the duty of said Registrars to purge said registration list of the names of persons not entitled to vote or who have died or moved away from said City, and such purging shall be completed in sixty days from last date on which persons may register in each year. Said Board of Registrars shall have authority to appoint a Clerk or Secretary to handle the details of its office work, but all final decisions with reference to registration of voters within said City or the purging of the same from the registration list shall be made by said Board, the majority decision being final on any case. The Clerk or Secretary of said Board may handle all of the work of said Board if said Board confers such authority upon him, but any act or decision of said Clerk of which any person may complain shall be subject to review by said Board of Registrars, and all complaints and reviews must be made at least thirty days preceding any election in which such registration list shall be used. One of said Registrars shall be elected by the City Council of East Point from each ward. When the registration list shall have been purged as above provided, it shall be the duty of said Board to publish the entire registration list in the official organ of said City one time between July 1st and July 15th, and any complaint of any dissatisfied person on account of any name being purged from, or left off, said list, and all requests for transfers of registration from one ward to another shall be made to the Secretary of said Board in writing within thirty days from the date of publication of said list and not thereafter. Such complaints shall be decided and requests for transfers granted as the facts and law of each case require within thirty days from date the same is filed and not thereafter, and the corrected registration list shall be completed not later than the first day of September in each year.

#### Section 22.

The City Council is hereby authorized and empowered to levy, assess and collect a sanitary tax for said City, varying in amount in accordance with the service required to be rendered not only upon the lot and lot owners of said City, but also upon and against the tenant or occupant of the lot. The number of persons in a

family, the amount of business done by a commercial establishment, the size of a residence, the size of a business establishment, the size of a lot, the number of employees of a business establishment, the number of hours the business establishment may be opened, the volume of business done by any commercial or manufacturing concern, the frequency of the service required, and any other reasonable circumstance or fact affecting the reasonableness or equity of the tax imposed may be taken into consideration and this tax, as well as any others said City may lawfully levy, except property taxes, may be imposed upon different classes of persons at different rates and upon different classes of business at different rates for the purpose of raising revenue or as a regulatory measure, and for the purpose of equitably levying such taxes the City Council shall be authorized and empowered to classify and reclassify trades, professions, lots, occupations, businesses, residents, persons, and they may then create classes within classes, and impose the taxes on an equitable, fair and reasonable basis, under all the facts and circumstances, provided that the minimum sanitary tax shall be three dollars.

#### Section 23.

The minutes of the City Council of East Point and of any committee, body, bureau, commission, board or authority of said City shall consist of a correct record of only the acts and doings of such bodies and shall not embrace comments or speeches of members of said bodies or of any other person.

#### Section 24.

The failure of an Alderman or other officer or member of the City Council, any Commission, Committee, Board, Bureau or body within the City Government of said City, to vote on any matter transacted at a meeting at which such person is in attendance shall be construed as a vote for it. The refusal or failure of a majority of the members present at any meeting of any such Board or body to vote shall be counted as votes in favor of the measure or matter under consideration. No person shall be declared elected, except as herein provided, to any office, place or position by the City Council of East Point, who shall not have received a majority of the votes of all of the members of the City Council, exclusive of the Mayor; provided, that in case of a tie the Mayor of said City shall be entitled to vote, except as herein provided, and the candidate receiving the majority in such event shall be declared elected; and provided further, that in the event three candidates should receive two votes each for three ballots, making a tie between three candidates, it shall then be the duty of the Mayor on the fourth ballot to vote in favor of one of the three, but not until after the third ballot, in which event the candidate receiving the highest vote will be declared elected. In the event one candidate should receive three votes, another two votes, and another one vote for three ballots, it shall then be the duty of the City Council to ballot on the two highest candidates, dropping the one receiving only one vote. In the event one candidate should receive three votes and three other candidates should receive one vote, three ballots shall be taken and then the candidate receiving the highest number of votes on the fourth ballot shall be declared elected. In event six candidates receive one vote each, making a tie between six persons for three ballots, the Mayor shall then nominate two out of the six, and then the City Council shall elect from these two candidates.

## Section 25.

Special meetings of the City Council of East Point shall be called in writing, and the call shall be entered on the minutes of the City Council. The call shall be signed by the City Clerk, shall specify the purpose for which the meeting was called, and shall be served by one of the police officers of said City on the Aldermen at least two days in advance of said meeting by delivery of a copy of said notice into the hands of such Aldermen or by leaving a copy of the same at the most notorious place of abode of such Aldermen within said City, an entry of which service by such officer shall be entered on the minutes of the City Council; provided, a meeting may be held without such notice by unanimous consent of all of the members of said City Council, entered on the minutes of the City Council.

## Section 26.

All of the territory through which any water main, sewer, electric line, pole or facilities of said City may extend, and for ten feet in every direction from any of the facilities of said City is hereby incorporated and made a part of said City with the full jurisdiction over the same as if the same were within the corporate limits hereinbefore included within said City, except said City shall have no right to levy or assess taxes, outside the corporate limits of said City.

## Section 27.

Tax returns made by the taxpayers may not be reduced by the City Council of East Point nor by any officer, agent or body of said City. Such returns may be increased by the Board of Tax Assessors of which increase thirty days notice shall be served upon the taxpayer by registered mail with return receipt requested, and if such taxpayer shall not appeal from the decision of such assessors to the City Council of East Point within fifteen days in writing, the assessment shall be final and shall not be subject to revision thereafter by anybody.

## Section 28.

All municipal elections held within the City of East Point shall be held as heretofore except that the polls shall be opened from seven o'clock A. M. Central Standard Time to seven o'clock P. M. Central Standard Time, instead of from eight o'clock A. M. to three o'clock P. M. Central Standard Time.

## Section 29.

All City, Bond and other elections held in said City shall be held separately in each of the wards. This means that there shall be a voting precinct with managers at which voters shall vote in each ward.

## Section 30.

Vacancies on the City Council of East Point shall be filled by elections as heretofore, but until an election can be held, the remaining Alderman from the ward in which the vacancy occurs shall fill the vacancy by appointment immediately upon the death, resignation or removal of the Alderman making such place vacant, and

such appointment shall be until the election and qualification of an Alderman to fill such vacancy is held, and shall be entered on the minutes of the City Council.

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#### Section 31.

Said City shall have authority to regulate the use of its streets for business purposes, including the right to impose a license or other reasonable tax on persons using its streets for business purposes, and authority to regulate, limit and prohibit use of such of its streets for such business purposes as it may deem proper, and no person, firm or corporation shall have the right to use the streets of said City for business or business purposes without the consent and license for such purpose from said City, and to this end said City may impose, assess, levy and collect a tax as a purely regulatory measure, or as a revenue measure.

#### Section 32.

Said City is hereby authorized to impose, levy, assess and collect a tax on bill-boards and advertising signs and on persons, firms or corporations erecting, maintaining or using bill-boards or advertising signs and may prohibit the same altogether, along the streets, highways, alleys and lanes and about the parks of said City.

#### Section 33.

Said City shall have the power and authority to buy and sell water, gas, or electricity within and without said City at cost or profit.

#### Section 34.

For police and sanitary purposes and to protect its property and the health, peace, happiness and general welfare of its citizens, said City may adopt ordinances binding on and enforceable against any and all persons, firms or corporations within one mile of said City; provided, no ordinance of said City shall affect or bind any person, firm or corporation within the limits of any other municipality, nor shall it embrace power to tax outside of East Point; provided, said City is not hereby granted the power or authority to interfere with the exercise by Fulton County of its powers without the limits of said City.

#### Section 35.

For the purposes of qualifying officers, agents or employees of the City of East Point required to take an oath, before entering upon the discharge of their duties, the Mayor and each Alderman of said City is hereby clothed with authority to administer such oaths, and may administer the oath to each other.

#### Section 36.

The veto power of the Mayor of the City of East Point extends to and embraces all ordinances, resolutions, regulations, motions, orders and actions of the City Council of East Point except the election or appointment of officers, agents and employees. In the election or appointment of officers, agents or employees, the Mayor shall not have any veto power and may veto in such matters only as in this Act provided.

## Section 37.

Impeachment proceedings before the City Council of East Point shall require the affirmative vote of at least four Aldermen to remove the Mayor from office, and shall require the affirmative vote of at least three Aldermen and the Mayor to remove an Alderman from office, or the affirmative vote of four Aldermen without the Mayor to remove another Alderman from office. The Mayor shall preside in all impeachment hearings except in the case of impeachment of the Mayor, in which case the Recorder of said City shall preside, but the Recorder shall not be entitled to vote even in case of a tie. On the trial of the Mayor on an impeachment hearing a tie vote shall be equivalent to an acquittal. An impeachment resolution shall not be subject to veto by the Mayor where the Mayor himself is the accused party. A judgment of conviction and removal in an impeachment proceeding shall not extend further than to disqualify the official impeached to thereafter hold any office of profit or trust under the government of said City. A judgment of conviction in an impeachment hearing shall of itself without further formality vacate the office of the officer impeached.

## Section 38.

Four Aldermen of the City Council without the Mayor shall constitute a quorum to transact business, but a lesser number may meet and compel the attendance of others; to this end, less than a quorum meeting at the regular meeting time and place for City Council meetings shall have authority to punish absentees for their failure to attend after being notified to do so unless good cause be shown for not attending.

## Section 39.

No Act carrying a concession, gift or donation, or levying or raising a license, tax, penalty or assessment, or appropriating money shall be effective unless the same be favored by a majority of the City Council of East Point.

## Section 40.

Every Ordinance shall be read at two different meetings of the City Council unless one reading thereof be waived by unanimous consent of the entire membership of the City Council of East Point.

## Section 41.

Said City is authorized to require fire-escapes of such character and material as to be safe and the City may inflict penalties for violation of any Ordinance it adopts to this end.

## Section 42.

The cost of party primary elections shall not be paid out of the Treasury of said City.

## Section 43.

Managers and Clerks to hold elections in said City shall be notified of their

appointment by the City Clerk and Managers shall fill the places of persons appointed who do not attend by the time for opening the polls for such elections. No voter of said City may vote in any Ward except in the Ward in which he is registered to vote on the date of the election in which he offers to cast his ballot, and any person moving from one Ward to another may have his registration transferred from the Ward from which he moved to the Ward into which he moved at any time up to but not later than August 15th next preceding the date of the election in which he offers to vote, but no person shall be allowed to transfer registration from one Ward to another until a bona fide change of residence to the new Ward is actually made.

#### Section 44.

It shall have authority to revoke without notice licenses for operating pool rooms, to sell wine or beer, dance-halls, cafes and hotels where alcoholic beverages are found, or which breed or encourage vice, road-houses, liquor stores, pawn shops, small loan offices, distilleries, salary assignment offices, carnivals, circuses, business of junk dealers, fortune tellers, and to close and prohibit the re-opening of such places, and to control athletics; it may create an Athletic Commission, define its powers and authority, prescribe its duties, and qualification of its members, and their terms of office, and compensation, if any.

#### Section 45.

Said City is hereby authorized and empowered to censor theatres, films, moving pictures, exhibitions, pictures, actors, acts, books, signs, symbols, and similar matters and to suppress and prevent their use, exhibition, portrayal, sale or distribution, when found by the City Council to be obscene immoral, filthy or vicious.

#### Section 46.

All sales conducted by the Marshal of the City of East Point shall be in the same manner as far as is practical, as Sheriff's sales, and the costs for making levy, advertising, and executing title papers shall be the same as in Sheriff's sales as far as practical; provided, however, that said sales shall be held at such place as may be provided for by the City Council of East Point and the charter of said City, and that the advertisement of said sales shall be in the official organ of said City.

#### Section 47.

The City Council of East Point is hereby authorized and empowered to elect, appoint and employ officers, agents and employees, other than Mayor, Aldermen, members of Boards, Commissions, Bureaus and the Recorder, to serve during good behaviour and efficient service for indefinite terms, such officers, agents and employees to be subject to promotion and advancement in accordance with their efficiency and length of service and to be subject to demotion and suspension, definite or indefinite, removal and discharge, for inefficiency, bad conduct, or violation of any law of said City; provided, that before demoting, suspending, discharging or removing any officer, agent or employee serving during good behaviour and efficient service, he or she as the case may be shall be entitled to a fair and impartial

hearing on charges preferred after reasonable notice and an opportunity to be heard on such charges before the City Council of East Point, except in cases of laying off persons in good faith for reasons of economy; provided, further, that the compensation of all persons serving during good behaviour and efficient service shall be fixed at the regular reorganization meeting of the City Council in January of each year and shall not thereafter be increased or decreased until the next reorganization meeting of the City Council in the following year, except in case of demotion or suspension or in case of advancement or promotion from a lower to a higher position.

#### Section 48.

The compensation of all officers, agents and employees of said City shall be fixed by the City Council of East Point before the election or appointment of the officers, agent or employee who is to receive it, and no compensation shall be paid where this provision is not complied with; provided, this Section does not apply to the Mayor or Aldermen, or to a member of any Board, Bureau, or Commission, members of which are elected to serve a definite number of years and shall not apply to the Recorder, the salary or compensation of all of which officers is fixed at the regular reorganization meeting of the City Council in January of each year.

#### Section 49.

No sale, conveyance or disposition by said City of its water or electric properties or franchises, or of any interest therein, shall ever be of any force or effect unless nor until approved by the duly qualified voters of said City voting at an election specially called by the City Council of East Point for this purpose, a notice of which election shall have been published at least once a week for at least four weeks next preceding such election in the official organ of said City, which notice shall contain a statement of the terms and conditions of the proposed sale, conveyance or disposition of such properties or franchises, and also a statement of the date of the election, the location of the voting precincts, and such other information as the City Council of East Point may order.

#### Section 50.

The City Council of East Point, the Recorder's Court of said City, any Board, Commission, Bureau, Committee or other similar body of said City charged with the administration of any of the affairs of said City shall have power and authority to compel the attendance of witnesses and the production of documentary evidence in any matter under investigation, and any person failing or refusing to attend as a witness or produce documentary evidence within his power, custody or control when notified or called upon to do so shall be subject to punishment prescribed by Ordinance of said City for violation of such provision.

#### Section 51.

The City Council of East Point shall have power and authority to require any officer, agent or employee of said City to assume and discharge the duties of any other office or position under the government of said City without extra compensa-

tion; provided, no unreasonable burden or hardship may be imposed under this provision on any officer, agent or employee without just and adequate compensation.

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Section 52.

For water furnished, and for all sewerage and sanitary service rendered, said City shall have a lien prior and superior to all other liens, claims or demands except taxes, against all of the real and personal property of the customer and against the premises served, whether the owner of such premises be the customer or not, from the date the water is contracted for, or such services commences, up to and until all charges therefor shall have been paid in full. Said City shall likewise have a special lien prior and superior to any and all others for taxes, licenses, permits, franchises, and against all persons and their property for all cost, charges, fines, penalties or assessments, and the interest thereon, which may be levied, assessed, charged or imposed, within and without the limits of said City, and execution shall issue therefor as provided for by law, and the Ordinances of said City.

Section 53.

The City Council of East Point is hereby authorized to classify and establish within the Police and Fire Departments of said City positions of rank to which members of such departments may be promoted or demoted, for cause, and designate the same by such names as the City Council of East Point may prescribe by Ordinance to indicate the dignity or rank of the members to which such names are applied, distinguishing between the different ranks of dignity in said Departments by such differences in dress, uniform, sign or insignia as said City Council may deem suitable or fitting.

Section 54.

All contracts to which said City is a party shall be in writing, and entered on the minutes of the City Council of East Point, and no agreement or undertaking on behalf of said City by any officer, agent, employee, Committee or by the City Council itself shall be of any force or effect unless nor until the same shall have been reduced to writing and entered on the minutes of the City Council of East Point. To this end the act of any officer, agent, employee or Committee of said City with respect to any matter referred to them with power to act shall have no force or effect unless nor until the same shall have been reported back to the City Council of East Point and entered on the minutes of the City Council of East Point. A resolution adopted by the City Council of East Point and entered on the minutes shall be sufficiently definite on every essential feature of the contract or agreement to which said City may be a party, or on every essential part of the action and report of the action taken by any officer, agent, employee or Committee to which any matter may have been referred with power to act.

Section 55.

No contract in excess of \$500.00 may be lawfully made by said City without first obtaining sealed competitive bids, but it shall not be mandatory that the contract be awarded in every case to the lowest or highest bidder. In all cases of purchases

by the City the lowest and best bids shall be accepted and in all cases of sales by the City the highest and best bidder shall be accepted, provided, that said City shall not be compelled to let any contract to even the lowest and best bid, or highest and best bid, unless nor until said City shall be satisfied that it cannot obtain a better and lower bid on purchases, or a higher and better bid on sales; provided this Section shall not apply to sales by the Marshal of said City under executions levied or any other Marshal's sales.

## Section 56.

All legal advertisements, notices and other matters of the City of East Point required to be published by law or by Ordinance shall be published in a newspaper which has been established for a period of two years or more and which is published in the City of East Point.

## Section 57.

Each provision and section of this Act is hereby separately enacted and if any clause, sentence, paragraph, part or Section, or the application of any clause, sentence, paragraph, part or Section of this Act shall for any reason be adjudged to be invalid by any Court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, part, Section or particular application thereof directly involved in the controversy in which such judgment shall have been rendered.

## Section 58.

All laws and parts of laws in conflict with this Act are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, by substitute, was agreed to.

On the passage of the bill, by substitute, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed, by substitute.

By Mr. Carmichael of Butts —

House Bill No. 789. A bill to be entitled an Act to amend an Act creating a new charter for the City of Jackson; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. J. H. Ennis and Marion Ennis of Baldwin—

House Bill No. 802. A bill to be entitled an Act to amend an Act establishing a new charter for the City of Milledgeville; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Bill No. 807. A bill to be entitled an Act to amend an Act creating a new charter for the City of Rome; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 811. A bill to be entitled an Act to amend an Act to establish a new charter for the City of Atlanta; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Abbot of the 18th District—

Senate Bill No. 209. A bill to be entitled an Act to amend the charter of the City of Augusta, so as to provide a municipal budget; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Groover of the 37th District—

Senate Bill No. 216. A bill to be entitled an Act to amend an Act to consolidate the offices and duties of Tax Receiver and Tax Collector of Troup County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 109, the nays 0.

The bill having received the requisite constitutional majority was passed.

The following bills of the Senate were read the first time and referred to the Committees:

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By Senators Brinson of the 42nd, Palmour of the 33rd and Howe of the 38th Districts—

Senate Bill No. 89. A bill to be entitled an Act creating the office of Judge Emeritus and providing for the appointment of judges of the Court of Appeals thereto upon reaching the age of 70 years; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senator Brown of the 4th District—

Senate Bill No. 135. A bill to be entitled an Act to amend Title 92 (Public Revenue) Division 1 (Sources of Revenue) Part IX (Income Taxes) of the Code of Georgia of 1933, as amended by Acts approved March 26, 1935, March 30, 1937, and December 29, 1937; and for other purposes.

Referred to Committee on Ways and Means.

By Senator Millican of the 52nd District—

Senate Bill No. 172. A bill to be entitled an Act to aid the Western & Atlantic Railroad by the creation of a commission authorized to contract in the name and on behalf of the State of Georgia, for the construction, occupancy, use and maintenance of income producing buildings; and for other purposes.

Referred to Committee on Western and Atlantic Railroad.

By Senator Twiggs of the 40th District—

Senate Bill No. 185. A bill to be entitled an Act to amend the "Equalizing Educational Opportunities Act" (Georgia Laws 1937, pages 882-892); and for other purposes.

Referred to Committee on Education No. 1.

By Senator Twiggs of the 40th District—

Senate Bill No. 187. A bill to be entitled an Act to adopt an official coat of arms and an official flag for the State of Georgia; and for other purposes.

Referred to Committee on State of Republic.

By Senator Palmour of the 33rd District—

Senate Bill No. 200. A bill to be entitled an Act to amend Chapter 95-18 of the Code of Georgia of 1933, relating to the designation of railroad crossings as safe or unsafe; and for other purposes.

Referred to Committee on Railroads.

By Senators Spivey of the 16th, Harrell of the 7th, Brinson of the 42nd, Lindsay of the 34th, Causey of the 46th, Manning of the 39th and Howe of the 38th Districts—

Senate Bill No. 206. A bill to be entitled an Act to authorize and provide the effect of docketing, indexing and recording certified copies of petitions commencing proceedings under the Bankruptcy Act of the United States; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senator Durden of the 10th District—

Senate Bill No. 208. A bill to be entitled an Act to empower the State Department of Public Health to acquire property for certain purposes; and for other purposes.

Referred to Committee on Hygiene and Sanitation.

By Senators Daves of the 14th and Dorminy of the 45th Districts—

Senate Bill No. 211. A bill to be entitled an Act to amend Sections 69-414 and 69-417 of the Code which relate to manners of providing for street improvements; and for other purposes.

Referred to Committee on Municipal Government.

By Senator Millican of the 52nd District—

Senate Bill No. 214. A bill to be entitled an Act to provide for the examination of master and journeyman plumbers and steam fitters, carrying on said vocations in counties having a population of 150,000 inhabitants or more by the United States Census of 1930 or any future United States census; and for other purposes.

Referred to Committee on Industrial Relations.

By Senator Brinson of the 42nd District—

Senate Bill No. 219. A bill to be entitled an Act to amend an Act changing the classes and amounts of commissions allowed to Tax Receivers and Tax Collectors of State and County Taxes; and for other purposes.

Referred to Committee on Ways and Means.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate, to-wit:

By Senator Millican of the 52d District—

Senate Bill No. 4. A bill regulating the sale, giving away or bartering of drugs which have a base or are derived from barbital; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the Senate, to-wit:

By Senator Kelley of the 30th District—

Senate Bill No. 223. A bill to amend Georgia Laws, 1935, pages 687-690, as amended, creating the office of Tax Commissioner of Hart County, by providing for the employment of clerical help by said Tax Commissioner; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the Senate and House, to-wit:

By Senator Brown of the 4th District—

Senate Bill No. 135. A bill to amend Title 92 ("Public Revenue") of the Code of 1933 by amending subsection (3) of subsection (1) defining resident; and for other purposes.

By Senator Durden of the 10th District—

Senate Bill No. 208. A bill to empower the State Department of Public Health to acquire property for certain purposes; and for other purposes.

By Senators Daves of the 14th and Dorminy of the 45th Districts—

Senate Bill No. 211. A bill to amend the Code relating to the manner in which assessments for municipal street improvements shall be payable in installments; and for other purposes.

By Senator Brinson of the 42d District—

Senate Bill No. 219. A bill to amend an Act changing the classes and amounts of commissions allowed to Tax Receivers and Tax Collectors; and for other purposes.

By Senator Palmour of the 33d District—

Senate Bill No. 200. A bill to amend the Code relating to the designation of railroad crossings as safe or unsafe; and for other purposes.

By Mr. Corbett of Atkinson—

House Bill No. 537. A bill to propose an amendment to the Constitution so as to allow the City of Pearson to incur an additional bonded indebtedness; and for other purposes.

By Mr. Ferguson of Sumter—

House Bill No. 665. A bill to amend an Act approved August 21, 1911, by providing for the date of election for the Town of Leslie; and for other purposes.

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By Mr. Bray of Bartow—

House Resolution No. 184. A resolution asking the Treasury Department of the United States to purchase essential war materials in Georgia.

By Messrs. Joel and Bennett of Clarke—

House Resolution No. 185. A resolution requesting that the souvenirs gathered by Fred A. Birchmore be placed on display at the New York World's Fair.

By Messrs. Atkinson of Chatham, Bennett and Williams of Ware, and others—

House Resolution No. 189. A resolution urging Hon. Carl Vinson, to use every effort to have the Navy Department to specify the use of gum spirits turpentine as a paint thinner; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bills of the House, to-wit:

By Messrs. Harris of Richmond and Parker of Colquitt—

House Bill No. 280. A bill to define shares of stock and certificates of stock in corporations; and for other purposes.

By Messrs. McGraw and Hatchett of Meriwether—

House Bill No. 378. A bill to establish a City Court of Greenville; and for other purposes.

By Mr. Pannell of Murray—

House Bill No. 614. A bill to amend an Act entitled an Act to consolidate and abolish the offices of Tax Receiver and Tax Collector of Murray County; and for other purposes.

Mr. Brooks of Oglethorpe moved that the House reconsider its action in failing to pass the following bill of the House, to-wit:

By Messrs. Brooks of Oglethorpe, Herndon of Hart, Griffin of Wilkes, Hardman of Madison, Bennett of Clarke, and many others—

House Bill No. 590. A bill to be entitled an Act to legalize seining from July 15th to September 1st of each year in certain counties of this State; and for other purposes.

On the motion to reconsider, the ayes were 63, the nays 48, and the motion prevailed.

Under the continuing order of business, established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time: [www.libtool.com.cn](http://www.libtool.com.cn)

By Messrs. Candler, Sams and Turner of DeKaib—

House Bill No. 674. A bill to be entitled an Act granting to the Commissioners of Roads and Revenues in counties of a certain population authority to adopt and enforce zoning ordinances in certain territories; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

Mr. Moore of Lumpkin moved that the House consider its action in failing to adopt the following resolution of the House, to-wit:

By Mr. Moore of Lumpkin—

House Resolution No. 105-394 B. A resolution proposing an amendment to Article 7, Section 1, Paragraph 1, of the Constitution of Georgia, providing how and for what purposes taxation may be exercised by adding to the said Article, Section and Paragraph a provision to care for the widow of a Confederate soldier; and for other purposes.

On the motion to reconsider, the ayes were 75, the nays 34.

The motion prevailed, and the resolution was placed at the foot of the calendar.

The following Communication from his Excellency, the Governor, was submitted and read:

State of Georgia  
Executive Department  
E. D. Rivers, Governor  
Atlanta

March 14, 1939.

To Honorable Roy V. Harris,  
Speaker of the House of Representatives and the Members Thereof.

Dear Mr. Speaker and Members of the House:

On yesterday I received a letter from the Gentleman from Laurens, Mr. Lovett, suggesting that I call an extraordinary session of the Legislature to convene

on June 1, 1939, to finance the present State program. Copy of my reply to his letter is attached herewith for your information and consideration.

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Respectfully submitted,

EDR:G

E. D. Rivers, Governor.

Enc.

State of Georgia  
Executive Department  
E. D. Rivers, Governor  
Downing Musgrove, Secretary Executive Department  
Atlanta

March 14, 1939.

Honorable W. H. Lovett,  
House of Representatives,  
State Capitol,  
Atlanta, Georgia.

Dear Sir:

Your letter, suggesting that I call an extraordinary session of the Legislature June 1, 1939, to finance the present State program is noted. It seems to me that your letter is premature in that I certainly cannot start giving consideration to calling an extra session of the Assembly before the regular session of the Assembly has completed its work.

To my mind, it is unthinkable that this session of the Assembly will adjourn without providing funds with which to keep the school house doors open, to feed the insane, to care for the tubercular patients at Alto and provide a pittance of a pension for the old people. An extra session June 1, 1939, would be too late to provide for the schools this term, would be too late to provide money for the immediate feeding of the insane, would be too late to provide for the immediate care of the tubercular and the old people.

There yet remains enough time in this session to make provision for these specific emergency needs. We know accurately these needs; for instance, we know accurately how much it will take to keep the school house doors open, all of which money goes directly to the local schools and none of which carries any State overhead.

The House of Representatives adopted, voluntarily and unanimously, a resolution, which was later unanimously approved by the Senate, pledging to the people of Georgia that funds would be provided at this regular session of the Legislature

to pay the school teachers in full and keep the school house doors open this term. Acting on the faith of this pledge, teachers have been teaching without pay and schools have been kept open, and I cannot acquiesce in a repudiation of this pledge on the part of the General Assembly.

Respectfully yours,

EDR:G

E. D. Rivers, Governor.

The following bill of the House was taken up for the purpose of considering the Senate amendments thereto:

By Messrs. Harris, Lanier and Jones of Richmond, Kendrick of Fulton and McNall of Chatham—

House Bill No. 49. A bill to be entitled an Act to amend an Act known as "Unemployment Compensation Law"; and for other purposes.

The following Senate amendments to House Bill No. 49, were read and adopted:

The Senate moves to amend House Bill No. 49 as follows:

#### AMENDMENT 1.

Section 4, Line 4—Amend by striking "be" and inserting "by"

#### AMENDMENT 2.

Section 6,—By striking the first lines of the figures as follows:

37.50	—	78.00	3.00	90.00	48.00
78.01	—	104.00	4.00	120.00	64.00

#### AMENDMENT 3.

Section 7. By striking the words "next higher" in the last sentence of said section and inserting in lieu thereof the word "nearest" so that when amended Section 7 shall read as follows:

"Section 7. By striking subsection (c) of Section 3 and inserting in lieu thereof a new subsection to be known and numbered as Section 3(c), namely:

"(c) Weekly Benefit for Unemployment. Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount to equal to his weekly benefit amount less that part of the wages (if any) payable to him with respect to such week which is in excess of \$2.00. Such benefit, if not a multiple of \$1.00, shall be computed to the nearest multiple of \$1.00."

#### AMENDMENT 4.

By adding at the end of Section 7. paragraphs to be designated Paragraph (d) and Paragraph (e) and to read as follows:

"(d) Pending the report of the Commissioner to the Governor not later

than December 1st, 1941, and until otherwise provided by law, the Commissioner shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf.

“(e) The Commissioner shall, for the year 1942, and for each calendar year thereafter, classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts, with a view of fixing such contribution rate as will reflect such experience.”

#### AMENDMENT 5.

By adding a new section to be appropriately numbered by the Secretary, to-wit:

“Section 7(a), that Section 7 of said act be further amended by adding thereto a new paragraph to be known as Section 7(a) and (3)—‘Section 7(a) (3)’”

The amount of the contributions shall not be computed upon the total wages in excess of the amount now fixed or limited, or that may be fixed or limited under the provisions of Title 9, of the United States “Social Security Act ‘approved August 14, 1935’”

#### AMENDMENT 6.

Section 8 by striking Section 8 in its entirety and substituting a new section to be numbered Section 8 and to read as follows:

“Section 8. By striking subsections (d) and (e) of Section 3 of the Georgia Unemployment Compensation Act and by inserting in lieu thereof one new subsection to be known and numbered as Section 3(d) and to read as follows:

“(d) Duration of Benefits. Any otherwise eligible individual shall be entitled during any benefit year to the amount appearing in Column D of the table in Section 3 (b) on the line on which, in Column B of the table, appears his weekly benefit amount; provided that the maximum total benefits payable during any benefit year to an eligible employee whose unemployment occurs by reason of his having left work voluntarily without good cause as provided in Section 5 (a) of the Act, or by reason of his having been discharged for misconduct connected with his work as provided by Section 5 (b) of the Act, or by reason of his having failed without good cause either to apply for available suitable work when so directed by the employment office or the Commissioner or to accept suitable work when offered him or to return to his customary self-employment (if any) when so directed by the Commissioner as provided in Section 5(c) of the Act, shall not exceed eleven times the amount of his Weekly Benefit as shown in Column B of the table in Section 3(b) of the Act as herein provided.”

#### AMENDMENT 7.

By adding a new section to be known as Section 8(a) and reading as follows:

“Section 8(a)—By striking subsection (c) of Section 9 and inserting in lieu thereof a new subsection to be known and numbered as subsection 9(c) namely:

“Withdrawals. Moneys shall be requisitioned from this State’s account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commissioner. The commissioner shall from time to time requisition from the unemployment trust fund such accounts, not exceeding the amounts standing to this State’s account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the Treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by State officers of money in their custody. All warrants issued by the Treasurer for the payment of benefits and refunds shall bear the signature of the Treasurer and the countersignature of the commissioner or his duly authorized agent for that purpose, (and the commissioner shall furnish, upon request, a satisfactory record of each payment from the benefit account to the last employer of the employee receiving such benefit payment). Any balance of moneys requisitioned from the unemployment trust fund, which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned, shall either be deducted from estimates for, and may be used for the payment of, benefits during succeeding periods, or, in the discretion of the commissioner, shall be redeposited with the Secretary of the Treasury of the United States of America, to the credit of this State’s account in the unemployment trust fund, as provided in subsection (b) of this section.”

#### AMENDMENT 8.

Strike sub-paragraph “C” line 3 of Section 10 the words “next higher” and insert in lieu “nearest”

#### AMENDMENT 9.

By striking Sections 13 and 14 in its entirety and to re-number other sections to conform.

#### AMENDMENT 10.

By adding a new section to be numbered 25-A, and to read as follows:

SECTION 25-A—By adding at the end of the second paragraph 19(f) of the “Unemployment Compensation Law”, the following:

“Provided, however, that no employing unit shall be liable for the employer’s contributions of any contractor, sub-contractor, lessee or other such party, or their employees, when in good faith such employees are employed at the will of, and are subject to be hired or discharged only by said contractor, sub-contractor, lessee, or other such party.

#### AMENDMENT 11.

By striking from Section 17(f) lines 32 and 33, of the printed bill, the words “Not past-due”, so that the clause amended shall then read as follows: “The amount

of such execution shall become a lien upon the title to and interest in all real and personal property, including choses in action, except negotiable instruments of the employer against whom the execution is issued in the same manner as a judgment of a Superior Court.”

The following amendments to House Bill No. 49, were read:

The Senate moves to amend House Bill No. 49 as follows:

Amendment No. 12.

By amending the caption thereof by adding thereto the following language:

“To provide for a separate department to be known as the Department of Unemployment Compensation; to provide that the Department of Unemployment Compensation shall be the successor to the Bureau of Unemployment Compensation; to define the term ‘Commissioner’; to provide that rules and regulations heretofore issued shall remain in full force and effect unless revised; and for other purposes.”

Amendment No. 13.

By adding to House Bill No. 49 a new section, to be appropriately numbered, and to read as follows:

Section 10(a) of the Unemployment Compensation Act be and the same is hereby amended by striking the said Section 10(a) in its entirety and by substituting in lieu thereof a new Section 10(a) to read as follows:

“There is hereby created a Department to be known as the Department of Unemployment Compensation which shall be administered by a full time salaried Commissioner. The Governor shall appoint the Commissioner, by and with the advice and consent of the Senate, for a term of four years; provided, however, that the Department of Unemployment Compensation hereby created shall be the successor to the Bureau of Unemployment Compensation created under the Unemployment Compensation Law as amended, and that there shall be transferred to such Department, as of the effective date of this Act all appropriations, property, records, and personnel of the said Bureau of Unemployment Compensation.”

By adding thereto a new section, to be appropriately numbered, and to read as follows:

Section 19(c) of the Unemployment Compensation Law be and the same is hereby amended by striking therefrom the said section in its entirety and by substituting in lieu thereof as Section 19(c) the following language:

“‘Commissioner’ means the Commissioner of the Department of Unemployment Compensation. Provided, however, that wherever the word Commissioner appears in the Unemployment Compensation Law as amended by this Act, it shall, from the effective date of this Act, be deemed to refer to the Commissioner of the Department of Unemployment Compensation, and provided further that wherever the term ‘Department of Labor’ appears in the Unemployment Compensation Act as amended

by this Act, it shall be deemed to refer to the Department of Unemployment Compensation. Provided further that all Rules and Regulations heretofore issued by the Commissioner of Labor in accordance with the Unemployment Compensation Law shall remain of full force and effect, unless especially revised, revoked, or repealed by the Commissioner of Unemployment Compensation."

Mr. Forrester of Crisp moved that the House disagree to Senate amendments Nos. 12 and 13, to House Bill No. 49.

Mr. Rawlins of Telfair moved that the bill and all amendments be postponed indefinitely.

Mr. Gross of Stephens moved that the House recess for one hour, and the motion prevailed.

2:00 o'clock, P. M.

The Speaker called the House to order.

Further consideration of Senate amendments Nos. 12 and 13, to House Bill No. 49, was resumed.

On the adoption of Senate amendments Nos. 12 and 13, Mr. McNall of Chatham moved the previous question, and the motion prevailed.

On the motion to indefinitely postpone, Mr. Forrester of Crisp moved the ayes and nays, and the call was not sustained.

On the motion to indefinitely postpone, the ayes were 55, the nays 79, and the motion was lost.

Mr. Harris of Richmond moved that the House agree to Senate amendments Nos. 12 and 13, to House Bill No. 49.

On the motion, Mr. Harris of Richmond moved the ayes and nays, and the call was sustained.

The call was ordered and the vote was as follows:

Voting in the affirmative were Messrs.:

Aiken	Branch	Daughtry
Allen	Bray	Davidson
Almand	Brooks of Jackson	Davis of Floyd
Ansley	Bush	Dockery
Atkinson	Bynum	Drake
Barrett	Carmichael of Butts	Ennis, J. H.
Bell	Chappell	Ennis, Marion
Bennett of Ware	Clary	Etheridge of Baker
Binion	Clements of Calhoun	Etheridge of Fulton
Bloodworth	Connell	Etheridge of Houston
Boyd of Cook	Corbett	Evans of Laurens
Boyd of Greene	Dallis	Flanders

Fowler of Treutlen	Kelley	Rossee
Gaines	Kendrick	Rountree
Gavin <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Kennedy	Sapp
Gill	Key	Sartain
Goddard	Lanham	Scott
Goolsby	Lanier	Smith of Henry
Graham	Lewis	Stiles
Grayson	Mankin	Swindle
Greene	Mason	Tate
Grice	McCracken	Terrell
Griffin	McGraw	Thigpen of Evans
Gross of Stephens	McNall	Tipton
Gross of Washington	Merritt	Trippe
Harrison of Crawford	Miller	Vickery
Harrison of Jenkins	Moore of Lumpkin	Wages
Harvey	Moore of Taliaferro	Wells
Hatchett	Mosely	Whipple
Hayes	Pilcher	Whitaker
Herndon	Preston	Williams of Bacon
Jackson	Purdy	Yeomans
Johnson	Ragan	

Those voting in the negative were Messrs.:

Allison of White	Ferguson of Camden	Pharr
Barlow	Ferguson of Sumter	Pierce
Bennett of Clarke	Ford	Rawlins
Blease	Forrester of Crisp	Rees
Brooks of Oglethorpe	Franklin of Bulloch	Reid
Bruce	Franklin of Polk	Rogers
Campbell	Guyton	Roughton
Candler	Harden	Sabados
Carmichael of Cobb	Henderson	Sams
Carrington	Hill	Sanders
Carter	Hinson	Smiley
Cheney	Howard	Smith of Schley
Claxton	Jones of Paulding	Strickland of Haralson
Cobb	Kimbrough	Strickland of Pierce
Cook	King	Summerour
Culpepper of Fayette	Looper	Sumner
Curry	Lovett	Thornton
Davis of Coweta	Marshall	Tippins
DeFoor	Maxwell	Tomlinson
Drinkard	McBride	Turner
Edwards of Lowndes	Middleton	Warren
Edwards of Taylor	Mills	Wiggins
Elliott	Morgan	Williams of Ware
English	Pannell	Wohlwender
Evans of McDuffie	Parham	Wright

Those not voting were Messrs.:

Allison of Gwinnett	Douglass	Jones of Richmond
Beck	Easley	Kaigler
Blackshear	Forrester of Dade	McDaniel
Clark	Foster	Moss
Clements of Marion	Fowler of Douglas	Parker
Clements of Wheeler	Gowen	Saunders
Conner	Grant	Simmons
Coogler	Hardman	Thigpen of Glascock
Culpepper of Mitchell	Holtzendorff	Yawn
Dean	Joel	
Dickerson	Jones of Brantley	

By unanimous consent, the roll call was verified.

On the motion to agree to Senate amendments Nos. 12 and 13, to House Bill No. 49, the ayes were 98, the nays 75, and the motion was lost.

Senate amendments Nos. 12 and 13, to House Bill No. 49, were disagreed to.

Under the continuing order of business, established by the Committee on Rules, the following bills of the House and Senate were taken up for consideration and read the third time:

By Messrs. Beck and Reid of Carroll—

House Bill No. 274.

#### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the City of Carrollton to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia, for the purpose of refunding and retiring its existing bonded indebtedness due and unpaid up to and including January 1, 1939; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said bonded indebtedness that is or may become due and unpaid as of January 1, 1939; also, to provide for the refunding of certain bonds becoming due in 1940, 1941, and 1942, in the amount of \$5,000.00 due each of said years; to provide for funds to be raised for said issues to be used exclusively for said outstanding bonds; to provide for ratification of the amendment by the people; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph in the following words, to-wit:

“And except that the City of Carrollton may issue refunding serial bonds not in excess of the aggregate sum of Sixteen Thousand (\$16,000.00) Dollars for the

purpose of refunding and retiring any bonded indebtedness of said city past due and unpaid up to and including January 1, 1939, and providing for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said bonds as they fall due; the proceeds of all such refunding bonds so issued by the City of Carrollton to be used exclusively for the purpose of paying and retiring said bonded indebtedness that is or may become due and unpaid as of January 1, 1939; also, the Mayor and City Council of Carrollton shall at its option refund certain bonds due as follows: \$5,000.00 in the year 1940; \$5,000.00 in the year 1941; \$5,000.00 in the year 1942. Said refunding bonds shall be issued when authorized by a vote of the Mayor and City Council of Carrollton and shall be validated as provided by law.

Section 2. Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two thirds vote of the members of each House, with the "ayes" and "nays" thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, "For ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Carrollton to issue refunding bonds," and all persons opposed to the adopting of said amendment shall have written or printed on their ballots the words "Against ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Carrollton to issue refunding bonds." And if a majority of the electors qualified to vote for members of the General Assembly, voting thereon shall vote for the ratification thereof when the result shall be consolidated as now required by law in election for members of the General Assembly, the said amendment shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation therefor, as provided by law.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

The following amendment to House Bill No. 274, was read and adopted:

Beck and Reid of Carroll move to amend House Bill No. 274 by striking from the caption of said bill and from the last clause in the sentence next to the last in Section 1 the following words:

"Also the Mayor and City Council of Carrollton shall at its option refund certain bonds due as follows: \$5,000.00 in the year 1940; \$5,000.00 in the year 1941; \$5,000.00 in the year 1942."

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Dockery	Joel
Allen	Drake	Johnson
Allison of White	Drinkard	Jones of Brantley
Almand	Edwards of Lowndes	Jones of Paulding
Ansley	Edwards of Taylor	Kendrick
Atkinson	Elliott	Kennedy
Barlow	Ennis, J. H.	Key
Barrett	Ennis, Marion	Kimbrough
Beck	Etheridge of Baker	King
Bell	Etheridge of Fulton	Lanham
Bennett of Clarke	Etheridge of Houston	Lewis
Bennett of Ware	Evans of Laurens	Looper
Binion	Evans of McDuffie	Lovett
Blease	Ferguson of Camden	Mankin
Bloodworth	Ferguson of Sumter	Marshall
Boyd of Cook	Ford	Mason
Boyd of Greene	Forrester of Crisp	Maxwell
Branch	Foster	McBride
Bray	Fowler of Treutlen	McCracken
Brooks of Jackson	Franklin of Bulloch	McGraw
Bruce	Franklin of Polk	McNall
Bush	Gaines	Merritt
Bynum	Gavin	Middleton
Campbell	Gill	Mills
Candler	Goddard	Moore of Lumpkin
Carrington	Goolsby	Moore of Taliaferro
Cheney	Gowen	Morgan
Clary	Graham	Mosely
Claxton	Grayson	Pannell
Clements of Calhoun	Greene	Parham
Clements of Marion	Grice	Parker
Clements of Wheeler	Griffin	Pierce
Cobb	Gross of Stephens	Purdy
Connell	Gross of Washington	Ragan
Cook	Guyton	Rawlins
Corbett	Harden	Rees
Culpepper of Fayette	Harrison of Crawford	Reid
Curry	Harrison of Jenkins	Rogers
Dallis	Harvey	Rossee
Daughtry	Hatchett	Roughton
Davidson	Henderson	Rountree
Davis of Coweta	Herndon	Sabados
Davis of Floyd	Hill	Sams
Dean	Hinson	Sanders
DeFoor	Howard	Sapp

Sartain	Terrell	Warren
Scott	Thigpen of Evans	Wells
Smiley	Thornton	Whipple
Smith of Henry	Tippins	Whitaker
Stiles	Tipton	Wiggins
Strickland of Haralson	Tomlinson	Williams of Bacon
Strickland of Pierce	Trippe	Williams of Ware
Sumner	Turner	Wohlwender
Swindle	Vickery	Wright
Tate	Wages	Yeomans

Those not voting were Messrs.:

Allison of Gwinnett	Easley	Lanier
Blackshear	English	McDaniel
Brooks of Oglethorpe	Flanders	Miller
Carmichael of Butts	Forrester of Dade	Moss
Carmichael of Cobb	Fowler of Douglas	Pharr
Carter	Grant	Pilcher
Chappell	Hardman	Preston
Clark	Hayes	Saunders
Conner	Holtzendorff	Simmons
Coogler	Jackson	Smith of Schley
Culpepper of Mitchell	Jones of Richmond	Summerour
Dickerson	Kaigler	Thigpen of Glascock
Douglass	Kelley	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 165, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed, as amended.

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 473. A bill to be entitled an Act to provide that in Fulton County various county officials may name a chief deputy who would succeed such official in office if a vacancy should occur; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 112, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Warnell of the 1st District—

Senate Bill No. 151.

## A BILL

To propose to the qualified voters of the State of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, incorporated in the Code of Georgia of 1933 as Section 2-5501, so as to authorize the City of Savannah to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia; for the purpose of securing and establishing an industrial and domestic water supply in addition to the present water supply of the City of Savannah, and for the purpose of purchasing equipment necessary to establish said water supply and for the purpose of purchasing rights-of-way, pipe lines, and all other necessary equipment and machinery needed in the construction of such water plant, and for the purpose of constructing and erecting a suitable water plant to supply additional water for industrial and domestic purposes; to provide that all funds received from such additional bonded indebtedness shall be used exclusively for the purpose of establishing, constructing, and erecting a water plant in the vicinity of the City of Savannah for industrial and domestic purposes; to authorize the assessment and collection of an annual tax sufficient to pay principal and interest of said bonds as they become due; to authorize the fixing of a rate of interest, the date of issuance, and other details incident to the issue and sale of said bonds; to provide for validation; to provide for submission of the amendment for ratification of the people; and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same that Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, incorporated in the Code of Georgia of 1933 as Section 2-5501, which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph to be worded as follows, to-wit:

"And except that the City of Savannah in addition to the bonded indebtedness heretofore authorized by the Constitution and Laws of Georgia, may issue serial bonds not in excess of the aggregate sum of One Million (\$1,000,000.00) Dollars, for the purpose of acquiring and establishing an industrial and domestic water supply for the City of Savannah and vicinity, and shall provide for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said serial bonds as they become due. Said serial bonds as issued shall mature in twenty-five (25) annual equal amounts beginning five (5) years from the date of issuance, and maturing each year thereafter for a period of twenty-five (25) years. The proceeds of all such serial bonds so issued by the City of Savannah shall be used exclusively for the purpose of acquiring land and rights-of-way necessary for establishing, constructing and erecting a water plant for industrial and domestic purposes, for the purchase of necessary equipment, for the purchase of pipe lines, for the purpose of installing said equipment and all necessary machinery and for the purpose of erecting and constructing a water plant to secure an additional water supply for industrial and domestic purposes. Said serial bonds shall be issued and validated when authorized by the affirmative vote of the requisite two-thirds of the qualified voters of the City of Savannah in an election to be held in accordance with and in compliance with the Law of the State of Georgia as incorporated in the

Code of Georgia of 1933, Code Sections 87-201 to 87-204, both inclusive. The Mayor and Aldermen of the City of Savannah are authorized by a majority vote to fix the rate of interest of said bonds at least thirty (30) days next preceding the date of the election."

SECTION 2. Be it further enacted by the Authority aforesaid, that when said amendment shall be agreed to by a two-thirds vote of the members elected to each House, it shall be entered upon the journal of each House with the "ayes" and "nays" thereon, and shall be published in one or more newspapers in each Congressional District in the State of Georgia for two months previous to the time of holding the next general election, and said amendment shall, at the next general election, be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, "For ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Savannah to issue serial bonds to acquire, establish, erect and construct an additional water supply plant for industrial and domestic purposes," and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words, "Against ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Savannah to issue serial bonds to acquire, establish, erect and construct an additional water supply plant for industrial and domestic purposes"; and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof when the result shall be consolidated as now required by law in election for members of the General Assembly, the amendment and its provisions shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, and the Governor of the State of Georgia shall make a proclamation thereof as provided by law.

SECTION 3. Be it further enacted by the Authority aforesaid, that all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Bennett of Ware	Brooks of Oglethorpe
Allen	Binion	Bruce
Allison of White	Blease	Bynum
Almand	Bloodworth	Candler
Ansley	Boyd of Cook	Carrington
Atkinson	Boyd of Greene	Claxton
Barrett	Branch	Clements of Calhoun
Beck	Bray	Clements of Wheeler
Bell	Brooks of Jackson	Connell

Cook	Gross of Washington	Pharr
Corbett	Harden	Pierce
Culpepper of Fayette	Harrison of Crawford	Pilcher
Curry	Harrison of Jenkins	Preston
Dallis	Harvey	Rees
Daughtry	Hatchett	Reid
Davidson	Henderson	Rossee
Davis of Floyd	Herndon	Rountree
Dean	Hill	Sabados
DeFoor	Hinson	Sams
Dockery	Howard	Sanders
Drinkard	Jackson	Sapp
Edwards of Lowndes	Joel	Sartain
Edwards of Taylor	Jones of Brantley	Scott
Ennis, J. H.	Jones of Pauling	Smiley
Ennis, Marion	Kelley	Smith of Henry
Etheridge of Baker	Kennedy	Smith of Schley
Etheridge of Fulton	Key	Stiles
Etheridge of Houston	Kimbrough	Strickland of Haralson
Evans of Laurens	King	Strickland of Pierce
Evans of McDuffie	Lanham	Swindle
Ferguson of Camden	Lewis	Tate
Ferguson of Sumter	Lovett	Thornton
Ford	Mankin	Tippins
Forrester of Crisp	Mason	Tomlinson
Foster	Maxwell	Trippe
Fowler of Treutlen	McBride	Turner
Franklin of Bulloch	McCracken	Vickery
Franklin of Polk	McGraw	Wages
Gaines	McNall	Warren
Gill	Merritt	Wells
Goddard	Middleton	Whipple
Gowen	Mills	Whitaker
Graham	Moore of Taliaferro	Wiggins
Grayson	Morgan	Williams of Bacon
Greene	Mosely	Williams of Ware
Grice	Pannell	Wohlwender
Griffin	Parham	Wright
Gross of Stephens	Parker	Yeomans

Those not voting were Messrs.:

Allison of Gwinnet	Carmichael of Butts	Clary
Barlow	Carmichael of Cobb	Clements of Marion
Bennett of Clarke	Carter	Cobb
Blackshear	Chappell	Conner
Bush	Cheney	Coogler
Campbell	Clark	Culpepper of Mitchell

Davis of Coweta	Hardman	Purdy
Dickerson	Hayes	Ragan
Douglass	Holtzendorff	Rawlins
Drake	Johnson	Rogers
Easley	Jones of Richmond	Roughton
Elliott	Kaigler	Saunders
English	Kendrick	Simmons
Flanders	Lanier	Summerour
Forrester of Dade	Looper	Sumner
Fowler of Douglas	Marshall	Terrell
Gavin	McDaniel	Thigpen of Evans
Goolsby	Miller	Thigpen of Glascock
Grant	Moore of Lumpkin	Tipton
Guyton	Moss	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 144, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed.

By Messrs. Gowen of Glynn and DeFoor of McIntosh—

House Bill No. 352. A bill to be entitled an Act to prohibit the taking, buying, selling or possessing of spawning crabs during certain months; and for other purposes.

The following amendment to House Bill No. 352, was read and adopted:

Mr. Gowen of Glynn moves to amend House Bill No. 352, Section 1, by striking therefrom the month of May.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 116, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Messrs. Sartain and Kelley of Walker—

House Bill No. 617. A bill to be entitled an Act to amend the charter of the City of Rossville providing for operation and maintenance of revenue-producing, public work, authorizing and regulating the issuance of bonds for financing such works; and for other purposes.

The following Senate amendments to House Bill No. 617, were read and agreed to:

The Senate moves to amend House Bill No. 617 by adding to the caption the following:

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By providing for the adoption of a resolution defining territory outside the corporate limits in which the municipality shall engage in public works, creating a Board of Joint Control defining its powers and providing for the issuance of a permit to non-resident Municipal Corporations; and for other purposes.

The Senate moves to amend House Bill No. 617 as follows:

Be it enacted by the General Assembly of Georgia that Section II of the above entitled bill be, and the same is hereby amended as follows:

Paragraphs 1 and 2 of Section II of said bill are amended by striking the same entirely and inserting in lieu thereof the following:

(1) To construct, acquire by purchase or gift, or the exercise of the right of eminent domain, reconstruct, improve, better or extend any public works, within or without the city limits of said municipality or partially within or partially without the limits of said municipality, and not exceeding a radius of one-half ( $\frac{1}{2}$ ) mile from the present, or any future corporate limits, and to use by purchase, gift or the exercise of the right of eminent domain, land or rights in land or water rights in connection therewith.

(2) To operate and maintain any public works for its own use or for the use and benefit of its inhabitants and also to operate and maintain such public works for the use and benefit of persons, firms, corporations, companies, and political subdivisions and their inhabitants thereof whose residence or place of business are located within a one-half ( $\frac{1}{2}$ ) mile radius of the present or future city limits of Rossville.

Be it further enacted by the General Assembly of Georgia that Section II of the above entitled bill be, and the same is hereby amended by adding thereto the following additional provisions:

8. In the event the Mayor and Council of the City of Rossville desire to engage in any of the "public works" named in said bill, the governing authorities of said municipality shall adopt a resolution specifying therein the territory without the corporate limits of the city affected thereby, and the particular "public works" it will engage in. Said resolution shall be entered on the books of said city where such resolutions are recorded.

9. In the event the City of Rossville by resolution decides to engage in any of the "public works" without the corporate limits of said city, as defined in paragraphs numbered 1 and 2 of Section II of said bill, and adopts the resolution provided for in paragraph 8, then and in that event, a Board of Joint Control composed of five members shall exercise equal authority with the Mayor and Council of the City of Rossville over the "public works" without the corporate limits, said Board having equal authority with the Mayor and Council.

10. In the event of a disagreement on any question, a majority in number of the Mayor and Council and the Board shall decide the controversy.

11. Said Board of Control shall consist of five members. Two members of said Board shall be appointed for a period of four years, two for a period of six years, and one for a period of eight years, and each member thereof shall serve until his successor is appointed. Any resident of Georgia shall be eligible to serve on said Board. The first Board shall consist of the following named persons, to-wit: C. E. Carter and F. M. Gleason, who are appointed for a period of four years; J. L. Buchanan and L. O. Ledford, who are appointed for a term of six years; and T. A. Yates, who is appointed for a term of eight years, and who shall act as Chairman of said Board. When the term of appointment of any member or members of said Board shall have expired, or when any vacancy in the Board occurs by reason of death, resignation, removal, or other cause, the vacancy or vacancies shall be filled by appointments made by the Mayor and Council and the remaining members of said Board. The members of said Board shall be entitled to reasonable compensation for services rendered by them.

Be it further enacted by the authority aforesaid that Section XI of said bill is hereby amended by adding thereto the following additional paragraphs:

(a) The Mayor and Council shall have authority to employ such agents, servants, and employees as it may deem necessary, with authority to fix their compensation.

(b) The Mayor and Council shall have full power and authority to make reasonable rules and regulations governing non-resident Municipal Corporations existing under the laws of any foreign state of the United States, who desire to engage in any of the "public works" named in this bill, and no Municipal Corporation, organized or existing pursuant to the laws of any other state of the United States shall be allowed to operate, manage, own or control any of the "public works system" provided for in this Act within the boundaries of the City of Rossville, Georgia, or any territory without the corporate limits described in the resolution provided for in Section II, paragraph 8 of this bill, without first obtaining from the Mayor and Council of the City of Rossville and the Board of Control, a permit, the acceptance of which will constitute an agreement on the part of such foreign Municipal Corporations to be bound by the terms, provisions, and conditions set forth in said permit.

(c) Any attempted operation by such foreign Municipal Corporations shall be enjoined by any action at law or equity in the Superior Court of the County wherein such attempted operation is begun.

(d) The Mayor and Council shall appoint a Manager, who shall be in complete charge or control of any of the "public works" named in said bill. He shall serve for a period of three years after his appointment, subject to removal only for cause. His compensation shall be fixed by the Mayor and Council. He shall give a bond for the faithful performance of his duties, in an amount set by the Mayor and Council. Said Manager shall also have charge and control of any part of the system without the corporate limits of said city. In the event said system is extended without corporate limits, then and in that event the Board of Control,

acting in conjunction with the Mayor and Council, shall appoint said Manager and fix his compensation.

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Under the continuing order of business, established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Messrs. Sabados and Allen of Dougherty--

House Bill No. 774. A bill to be entitled an Act to provide that in cities of a certain population, the governing body of the municipality shall be authorized and have authority to take over by deed, lease, contract, agreement, or otherwise, the operation and maintenance of any hospital; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 117, the nays 0.

The bill having received the requisite constitutional majority was passed.

The following bills of the House were taken up for the purpose of considering the Senate amendment thereto:

By Messrs. Parker and Barlow of Colquitt and Carmichael of Cobb--

House Bill No. 136. A bill to be entitled an Act to amend Section 42-102 of the Code of Georgia of 1933, relating to the appointment, duties and salary of the Chief Drug Inspector; and for other purposes.

The following Senate amendment to House Bill No. 136, was read and agreed to:

The Senate moves to amend House Bill No. 136, by adding to the caption thereof after the semi-colon in the last line of the caption the following language:

"to provide an effective date for this Act;" and by adding to said bill a new section to be known as Section 4b to read as follows:

"This Act shall become effective January 1, 1941."

The Senate moves to amend Section 4a, third line in printed bill by striking the words "food and"

By Messrs. Harris of Richmond and Parker of Colquitt--

House Bill No. 280. A bill to be entitled an Act to define shares of stock and writs of error therefrom; and for other purposes"; to provide for the transfer for the granting of new trials and writs of error therefrom, and for other purposes,"

The following Senate amendment to House Bill No. 280, was read and agreed to:

The Senate moves to amend House Bill No. 280 by striking the first sentence in Section 13 in its entirety, said sentence reading as follows:

"No attachment or levy upon shares of stock for which a certificate is out-

standing shall be valid until such certificate be actually seized by the officer making the attachment or levy, or to be surrendered to the Corporation which issued it or its transfer by the holder be enjoined", and substituting in lieu thereof the following:

"Nothing in this Act shall alter the law as expressed in Sections 8-206 to Section 8-209, Georgia Code of 1933, as relating to levying on, and attachment of, corporate stocks."

Under the continuing order of business, established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Mr. Sapp of Coffee—

House Bill No. 755. A bill to be entitled an Act to repeal an Act to establish the City Court of Douglas in the City of Douglas, County of Coffee; and for other purposes.

The following Substitute to House Bill No. 755, was read and adopted.

#### A BILL

To be entitled an Act to repeal an Act approved August 19, 1919, (Acts of 1919, 464-479) entitled "An Act to establish the City Court of Douglas, in the City of Douglas, in Coffee County, Georgia; to define its jurisdiction and powers; to provide for the appointment and election of a judge and other officers thereof, and to define their powers and duties; to provide for the granting of new trials and writs of error therefrom; and for other purposes"; and for the transfer of all pending cases and motions; to provide for a referendum; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA AND IT IS HEREBY ENACTED BY THE AUTHORITY OF THE SAME:

SECTION 1. That an Act approved August 19, 1919, entitled "An Act to establish the City Court of Douglas, in the City of Douglas, in Coffee County, Georgia, to define its jurisdiction and powers; to provide for the election of a judge and other officers thereof, and to define their powers and duties, to provide for the granting of new trials and writs of error therefrom, and for other purposes," be and the same is hereby repealed and the City Court of Douglas is hereby abolished.

SECTION 2. Be it further enacted by the authority aforesaid, that all civil suits now pending in the City Court of Douglas, where the principal sum involved is one hundred dollars or more be and the same are hereby transferred to the Superior Court of Coffee County, Georgia, and all civil suits where the principal sum involved is less than one hundred dollars be and the same are hereby transferred to the Justice Court of Coffee County, Georgia, having jurisdiction of the defendant in said suit, and all judgments and executions rendered in and by said City Court

of Douglas are hereby kept alive and of full force and vigor and that all such executions and all measures and final processes of the said City Court of Douglas which have not been executed shall be returnable to the Superior Court of Coffee County, and all claims, illegalities and other issues arising from the effect of such process and fi. fas., shall be returnable and determinable as though the same had issued from the Superior Court of Coffee County, Georgia.

SECTION 3. Be it further enacted by the authority aforesaid, that all criminal cases found on accusation pending therein shall be turned over to the Solicitor General of the Waycross Judicial Circuit (the Superior Court of Coffee County being one of the courts of said Circuit), and by him properly brought before the grand jury of Coffee Superior Court, that bills of indictments may be preferred in said cases and until the said grand jury meets and indictments are preferred, the bonds of all defendants are hereby made good and binding until said cases are passed upon by the grand jury aforesaid.

SECTION 4. Be it further enacted by the authority aforesaid, that all motions for new trials pending in the City Court of Douglas shall be heard and determined by the judge of the Superior Court of the Waycross Judicial Circuit and when judgment is rendered in the Court of Appeals of Georgia, in any case pending therein from the City Court of Douglas the Clerk of said Court shall transmit the remittur in such case to the clerk of the Superior Court of Coffee County, where it shall be made the judgment of said Court as having jurisdiction therein.

SECTION 5. Be it further enacted by the authority aforesaid, that all documents, minutes, records, books and papers pertaining to the business of the City Court of Douglas shall be turned over to the Clerk of the Superior Court of Coffee County, Georgia, to be preserved by him as part of the records of said Court.

SECTION 6. Be it further enacted by the authority aforesaid, that all suits brought in the City Court of Douglas, Coffee County, Georgia, and pending therein, where service has been regularly perfected, when the same would be ready for disposition at the May term, 1939, of said City Court, be and the same are hereby declared for trial at October term, 1939, of the Superior Court of Coffee County, Georgia, as well as all other cases pending in said City Court of which the Superior Court has jurisdiction.

SECTION 7. Be it further enacted by the authority aforesaid, that this Act shall take effect only in the event of its approval by a majority of the voters of Coffee County, who were qualified to vote at the last general election for members of the General Assembly, who shall vote at an election to be called for the purpose of ratifying or rejecting this Act. The Ordinary of Coffee County shall call an election, to be held within sixty days after the signing of this Act, for the purpose of ratifying or rejecting this Act. At said election those favoring the approval and adoption of this Act shall have their ballots marked "For repeal of the Act creating and establishing the City Court of Douglas, in the City of Douglas, in Coffee

County, Georgia" and those voting against the adoption of this Act and for the rejection thereof shall have their ballots marked "Against repeal of the Act creating and establishing the City Court of Douglas, in the City of Douglas, and Coffee County, Georgia" If a majority of the qualified voters voting in said election vote "for repeal of the Act creating and establishing the City Court of Douglas, in the City of Douglas, in Coffee County, Georgia" this Act shall be of full force and effect; otherwise this Act shall be void and of no effect.

SECTION 8. Be it further enacted by the authority aforesaid, that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Hon. Roy V Harris, Speaker of the  
Georgia House of Representatives, and  
The Georgia House of Representatives.

Thigpen of Glascock protests the enactment into law of House Bill No. 755 for the reason that said House Bill No. 755 is a local or special bill and has not been advertised for 30 days prior to the introduction as required by Article 3, Section 7, Paragraph 16, of the Constitution of Georgia. Evidence of such non-compliance, being submitted to the Special Judiciary Committee. Said evidence being an affidavit from Bessie P. Vickers, Ordinary, Coffee County, Georgia, and dated March 3rd, 1939, that said bill had not been posted before the courthouse door of said County, which said affidavit is hereto attached and marked "Exhibit A" and is made a part and parcel of this notice; also an affidavit from Fred Ricketson, Editor and Manager of the Coffee County Progress, the official organ of Coffee County, Georgia, in which Sheriff's sales are published, dated March 3rd, 1939; that said bill was not advertised, which said affidavit is hereto attached marked Exhibit "B" and is made a part and parcel hereto; also an affidavit from L. J. Christopher, acting Manager and Editor of the Douglas Enterprise, dated March 3rd, 1939, that it is the only other newspaper other than the Coffee County Progress, that is published in said County of Coffee and that said bill has not been advertised in said Douglas Enterprise, said affidavit being hereto attached and made a part and parcel of this notice and being marked Exhibit "C."

Wherefore, Thigpen of Glascock wishes to contest and protest the passage of the bill above referred to on its third reading in the House of Representatives, and asks that this his protest be entered on the Journal of the House of Representatives and be made a permanent part of said House Journal and further advises the Speaker and the House that this is a contested local bill.

This March 10th, 1939.

Thigpen of Glascock.

Exhibit "A"

Georgia, Coffee County

I, Mrs. Bessie P. Vickers, Ordinary of Coffee County, Georgia, do hereby certify that there has not been posted before the Court House door of Coffee

County the title of an Act or bill affecting local legislation and especially affecting the City Court of Douglas as created by the Acts of 1919 at pages 464 to 479 entitled "Douglas City Court Established" No. 374 of the laws of 1919, during the year of 1939 or 1938. I further certify there has been no Act or title of any Act posted.

Given under my hand and seal this the 3rd day of March, 1939.

Bessie P. Vickers,

Ordinary, Coffee County, Ga.

(Seal)

Exhibit "B"

Georgia, Coffee County

Personally appeared before me the undersigned officer duly authorized to administer oaths, Fred Ricketson, who after being duly sworn deposes and on oath says: That he is Editor and Manager of the Coffee County Progress, a newspaper published in Douglas, Coffee County, Georgia, that said paper is the Official Organ of Coffee County, Georgia, in which sheriff's sales are advertised, for the year of 1939. That during the year of 1939 there has not been published in said newspaper the title of any bill regarding local legislation and especially any bill in regard to repealing the Act of 1919 at pages 464 to 479 which is an Act entitled "Douglas City Court Established" and known as bill No. 374 of the Acts of 1919. That the Coffee County Progress is the only newspaper published in Coffee County except the Douglas Enterprise which is a weekly newspaper also, published in said county. That during the year 1938 there was no title of any bills advertised as stated above.

Fred Ricketson.

Sworn to and subscribed before  
me this 3rd day of March, 1939.

W. L. Wood,

J. P 748 District G. M.

Exhibit "C"

Georgia, Coffee County

Personally appeared before me the undersigned officer duly authorized to administer oaths, L. J. Christopher, who after being first duly sworn deposes and on oath says: That he is acting Manager and Editor of the Douglas Enterprise, a newspaper published in said County. That said newspaper was the Official Organ of Coffee County for the year 1938. That during said year of 1938 there was not published in the Douglas Enterprise, the Official Organ of said county in which sheriff's sales were advertised, an Act or the title of an Act regarding any local

legislation affecting Coffee County and especially any Act or the title thereto in regard to repealing an Act of 1919 at pages 464 to 479 titled "Douglas City Court Established" and known as Act No. 374 of the Acts and laws of 1919. That the Douglas Enterprise is the only newspaper published in Coffee County except the Coffee County Progress. That during the year of 1939 there was no title of an Act or an Act as described as above published in said newspaper.

L. J. Christopher.

Sworn to and subscribed before  
me this 3 day of March, 1939.

W L. Wood,

J. P. 748 District G. M.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, by substitute.

On the passage of the bill, by substitute, the ayes were 124, the nays 0.

The bill having received the requisite constitutional majority was passed, by substitute.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Messrs. Gross of Stephens, Clements of Wheeler, Trippe of Polk and Morgan of Troup—

House Bill No. 218. A bill to be entitled an Act to amend an Act entitled an Act to create a Department of Public Safety for Georgia; and for other purposes.

The following Senate Amendments Nos. 1 and 2, were read and agreed to:

The Senate amends House Bill No. 218 as follows:

#### Amendment No. 1

Amend Section 4 by striking the words in lines 8 and 9 "reasonable time in the rank immediately below" and insert in lieu thereof the following "period of at least eighteen months as a member of said Uniform Division."

#### Amendment No. 2

Amend Section 5 by striking same in its entirety and inserting in lieu thereof the following:

#### Section 5

Section 3 of Article 2 of the said Public Safety Department Act be and the same is hereby amended by adding the following language immediately at the end of said Section 3: "No person in the employ of the Department of Public Safety

shall take any part in the management, affairs, or political campaign of any candidate for public office except he shall have a right as a citizen to express his opinion and to cast his vote. No person in the employ of the Department of Public Safety shall, either directly or indirectly, contribute any money or other thing of value to any person, organization or committee for political campaign or election in County or State primaries or General Elections. Any employee of the Department of Public Safety convicted of violation of this section shall terminate his connection with the department."

The following Senate Amendments Nos. 3, 4, 5 and 6, to House Bill No. 218, were read:

Amendment No. 3

Amend Section 7 by striking the words in line 7 \$560,000.00 and inserting in lieu thereof the following "the entire proceeds from the driver's license shall be used for the operation of the Public Safety Department less the amount specified by law for cost of collection."

Amendment No. 4

Amend Section 10 line 15 by striking the words "shall forthwith" and insert in lieu thereof the following "may in his discretion."

Amendment No. 5

Amend Section 14 line 6 by striking the words "at all times."

Amendment No. 6

Amend House Bill 218 by striking Section 15A in its entirety.

On the question of agreeing to Senate Amendments Nos. 3, 4, 5 and 6, to House Bill No. 218, Mr. Morgan of Troup moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Brooks of Jackson	Curry
Almand	Brooks of Oglethorpe	Dallis
Ansley	Bruce	Daughtry
Atkinson	Candler	Davidson
Barrett	Carrington	Davis of Coweta
Beck	Cheney	Davis of Floyd
Bell	Claxton	Dean
Bennett of Ware	Clements of Calhoun	Dockery
Binion	Clements of Wheeler	Edwards of Lowndes
Blackshear	Cobb	Ennis, J. H.
Bloodworth	Connell	Ennis, Marion
Branch	Corbett	Etheridge of Baker

Etheridge of Fulton	Jones of Paulding	Roughton
Etheridge of Houston	Kelley	Rountree
Evans of Laurens	Kendrick	Sams
Ferguson of Camden	Kennedy	Sapp
Ferguson of Sumter	Key	Scott
Fowler of Treutlen	King	Smiley
Franklin of Polk	Lanham	Smith of Henry
Gaines	Looper	Stiles
Gavin	Mankin	Strickland of Haralson
Gowen	Marshall	Sumner
Graham	Mason	Swindle
Grice	McBride	Tate
Griffin	McCracken	Thornton
Gross of Stephens	McGraw	Tipton
Gross of Washington	McNall	Trippe
Guyton	Merritt	Turner
Harrison of Crawford	Middleton	Vickery
Harrison of Jenkins	Moore of Lumpkin	Wages
Harvey	Moore of Taliaferro	Warren
Hatchett	Morgan	Wells
Henderson	Pharr	Whitaker
Herndon	Pierce	Wiggins
Hill	Preston	Williams of Bacon
Hinson	Reid	Williams of Ware
Jackson	Rossee	

Those voting in the negative were Messrs.:

Allen	Gill	Parker
Bennett of Clarke	Grant	Pilcher
Blease	Harden	Sabados
Boyd of Greene	Howard	Sartain
Bynum	Joel	Smith of Schley
Drinkard	Jones of Brantley	Strickland of Pierce
Edwards of Taylor	Kimbrough	Tippins
Elliott	Lewis	Tomlinson
Evans of McDuffie	Maxwell	Wohlwender
Ford	Mills	Wright
Forrester of Crisp	Pannell	Yeomans
Foster	Parham	

Those not voting were Messrs.:

Aillison of Gwinnett	Campbell	Clary
Allison of White	Carmichael of Butts	Clements of Marion
Barlow	Carmichael of Cobb	Conner
Boyd of Cook	Carter	Coogler
Bray	Chappell	Cook
Bush	Clark	Culpepper of Fayette

Culpepper of Mitchell	Greene	Ragan
DeFoor	Hardman	Rawlins
Dickerson	Hayes	Rees
Douglass	Holtzendorff	Rogers
Drake	Johnson	Sanders
Easley	Jones of Richmond	Saunders
English	Kaigler	Simmons
Flanders	Lanier	Summerour
Forrester of Dade	Lovett	Terrell
Fowler of Douglas	McDaniel	Thigpen of Evans
Franklin of Bulloch	Miller	Thigpen of Glascock
Goddard	Mosely	Whipple
Goolsby	Moss	Yawn
Grayson	Purdy	

By unanimous consent, verification of the roll call was dispensed with.

On the question of agreeing to the Senate amendments, the ayes were 110, the nays 35.

The Senate amendments were agreed to.

Under the continuing order of business, established by the Committee on Rules, the following bills and resolution of the House and Senate were taken up for consideration and read the third time:

By Messrs. Bloodworth, Grice and Merritt of Bibb—

House Resolution No. 93-761C. A resolution directing the State Librarian to furnish certain Supreme Court Reports and Court of Appeals Reports to City Court of Macon; and for other purposes.

The following amendment to House Resolution No. 93-361C, was read and adopted:

Messrs. Bloodworth, Merritt and Grice of Bibb move to amend House Resolution No. 93-361C by adding at the end of the first paragraph the following: "that said city court of Macon sits in a court room other than the room occupied by the Superior Court of Bibb County."

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to, as amended.

On the adoption of the resolution, as amended, the ayes were 113, the nays 0.

The resolution having received the requisite constitutional majority was adopted, as amended.

By Mr. Branch of Tift—

House Bill No. 623.

## A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article Seven, Section Seven, Paragraph One, of the Constitution of Georgia, so as to authorize an increase in the bonded indebtedness of the County of Tift, State of Georgia, in the sum of Fifty Thousand (\$50,000.00) Dollars in addition to the debts hereinbefore in this paragraph allowed to be incurred, for the purpose of acquiring a site in Tifton or outside Tifton, in Tift County, Georgia, and building, constructing and equipping thereon a hospital, and to provide how the power conferred by this amendment shall be exercised, and for other purposes.

## SECTION 1.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that Article Seven, Section Seven, Paragraph One, of the Constitution of Georgia, as heretofore amended, shall be further amended by adding at the end thereof a new subparagraph in the following words, to-wit: "And except that the County of Tift may be authorized to increase its bonded indebtedness in the sum of Fifty Thousand (\$50,000.00) Dollars in addition to the debts hereinbefore in this paragraph allowed to be incurred, and at a rate of interest not to exceed five per centum. per annum; which said bonds shall run for a period or periods of time not to exceed thirty years, and may be issued from time to time, and in such denominations as may be determined by the county authorities of said county, to be signed by the commissioners of roads and revenues of said county, and the clerk of said commissioners and shall be known and designated as Hospital Construction and Equipment bonds, and which said bonds shall be sold, and the proceeds thereof used and handled by the commissioners aforesaid, acting with the clerk and ordinary, or by a committee or commission selected, appointed and qualified in such way or method as such county authority may designate. The proceeds of all bonds issued and sold under this authority shall be used for the purpose of acquiring a hospital-site in the City of Tifton, or outside of Tifton, in Tift County, and building, constructing, and equipping thereon a hospital where medical and surgical treatment and care may be provided those in need of such. The power conferred by this amendment shall be exercised under such rules and regulations respecting the acquiring of a site, the building and equipping of said hospital, as well as the operation of the same, providing for payment for such medical and surgical treatment and care in such hospital, excepting only charity cases as the county authorities acting alone or in conjunction with any committee which they may deem necessary and proper to appoint.

## SECTION 2.

Be it further enacted by the authority aforesaid, that whenever the above-proposed amendment to the Constitution shall be agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly, and the same has been entered on their journals, with ayes and nays taken thereon, the Governor shall and he is hereby authorized and instructed to cause said amendment to be published in at least two newspapers in each congressional district in this State for a period of two months next preceding the time of holding the next general elections.

## SECTION 3.

Be it further enacted by the authority aforesaid, that the above proposed amendment shall be submitted for ratification or rejection to the electors of this State at the next general election to be held after publication, as provided for in the second section of this Act, in the several election districts of this State, at which election every person shall be qualified to vote who is entitled to vote for members of the General Assembly. All persons voting at such election in favor of adopting the proposed amendment to the Constitution shall have written or printed on their ballots the words: "For amendment allowing the County of Tift to increase its bonded indebtedness for the purpose of acquiring a hospital-site in Tifton, or outside of Tifton in Tift County, Georgia, and building, constructing, and equipping thereon a hospital where medical and surgical treatment and care may be provided for those in need of such," and all persons opposed to the adoption of the amendment shall have written or printed on their ballots the words: "Against the amendment allowing the County of Tift to increase its bonded indebtedness for the purpose of acquiring a hospital-site in Tifton, or outside Tifton in Tift County, Georgia, and building, constructing and equipping thereon a hospital where medical and surgical treatment and care may be provided for those in need of such."

## SECTION 4.

Be it further enacted by the authority aforesaid, that the Governor be and he is hereby authorized and directed to provide for the submission of the amendment proposed in the first section of this Act to a vote of the people as required by the Constitution of this State in Paragraph one of Section one of Article thirteen, and by this Act; and if ratified, the Governor shall, when he ascertains such ratification from the Secretary of State, to whom the returns shall be referred in the manner as in cases of election for members of the General Assembly to count and ascertain the results, issue his proclamation for one insertion in one of the daily papers of this State, announcing such result and declaring the amendment ratified.

## SECTION 5.

Be it further enacted by the authority aforesaid, that all laws and parts of laws in conflict with this Act, be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Barrett	Blackshear
Allen	Beck	Blease
Allison of White	Bell	Bloodworth
Almand	Bennett of Clarke	Boyd of Greene
Ansley	Bennett of Ware	Branch
Atkinson	Binion	Brooks of Jackson

Brooks of Oglethorpe	Gowen	Morgan
Bruce	Graham	Pannell
Bynum	Grant	Parham
Candler	Grice	Parker
Carmichael of Cobb	Griffin	Pharr
Carrington	Gross of Stephens	Pierce
Cheney	Gross of Washington	Pilcher
Claxton	Guyton	Preston
Clements of Calhoun	Harden	Rees
Clements of Wheeler	Harrison of Crawford	Reid
Cobb	Harrison of Jenkins	Rossee
Connell	Harvey	Roughton
Cook	Hatchett	Rountree
Curry	Henderson	Sabados
Dallis	Herndon	Sams
Daughtry	Hinson	Sapp
Davidson	Howard	Sartain
Davis of Coweta	Jackson	Scott
Davis of Floyd	Jones of Brantley	Smiley
Dean	Jones of Paulding	Smith of Schley
Dockery	Jones of Richmond	Strickland of Haralson
Drinkard	Kelley	Strickland of Pierce
Edwards of Lowndes	Kennedy	Sumner
Edwards of Taylor	Key	Swindle
Elliott	Kimbrough	Tate
Ennis, J. H.	King	Thornton
Ennis, Marion	Lanham	Tippins
Etheridge of Fulton	Lewis	Tipton
Evans of Laurens	Looper	Tomlinson
Evans of McDuffie	Lovett	Trippe
Ferguson of Camden	Mankin	Turner
Ferguson of Sumter	Marshall	Vickery
Ford	Mason	Wages
Forrester of Crisp	Maxwell	Warren
Foster	McBride	Wells
Fowler of Treutlen	McCracken	Whitaker
Franklin of Bulloch	McGraw	Wiggins
Franklin of Polk	McNall	Williams of Ware
Gaines	Middleton	Wohlwender
Gill	Mills	Wright
Goolsby	Moore of Lumpkin	Yeomans

Those not voting were Messrs.:

Allison of Gwinnett	Bush	Chappell
Barlow	Campbell	Clark
Boyd of Cook	Carmichael of Butts	Clary
Bray	Carter	Clements of Marion

Conner	Goddard	Moss
Coogler	Grayson	Purdy
Corbett	Greene	Ragan
Culpepper of Fayette	Hardman	Rawlins
Culpepper of Mitchell	Hayes	Rogers
DeFoor	Hill	Sanders
Dickerson	Holtzendorff	Saunders
Douglass	Joel	Simmons
Drake	Johnson	Smith of Henry
Easley	Kaigler	Stiles
English	Kendrick	Summerour
Etheridge of Baker	Lanier	Terrell
Etheridge of Houston	McDaniel	Thigpen of Evans
Flanders	Merritt	Thigpen of Glascock
Forrester of Dade	Miller	Whipple
Fowler of Douglas	Moore of Taliaferro	Williams of Bacon
Gavin	Mosely	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 141, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

By Mr. Kennedy of Tattall—

House Bill No. 720.

### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the Reidsville School District, of Tattall County, Georgia, to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and laws of Georgia for the purpose of refunding and retiring its existing bonded indebtedness and interest thereon due and unpaid as of January 1, 1940, and any bonded indebtedness due up to and including January 1, 1960; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said bonded indebtedness and interest thereon due and unpaid on January 1, 1940, and any bonded indebtedness which becomes due up to and including January 1, 1960; to provide for the submission of the amendment for ratification by the people; and for other purposes.

### SECTION 1.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of same, that Article 7, Section 7, Paragraph 1, of the Constitution of Georgia which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph, in the following words, to-wit:

“And except that the Reidsville School District, of Tattnall County, Georgia, may issue refunding serial bonds not in excess of the aggregate sum of \$30,000.00, for the purpose of refunding and retiring any bonded indebtedness and interest thereon of said School District outstanding, past due and unpaid on January 1, 1940, and any bonded indebtedness of said School District outstanding and which becomes due up to and including January 1, 1960, and provide for the assessment and collection of an annual tax, sufficient in amount to pay the principal and interest of said bonds as they fall due; the proceeds of all such refunding bonds so issued by the Reidsville School district to be used exclusively for the purpose of paying and retiring said bonded indebtedness and interest thereon that is due and unpaid as of January 1, 1940, and any bonded indebtedness outstanding and which becomes due up to and including January 1, 1960. Said refunding bonds shall be issued when authorized by a vote of the Trustees of the said Reidsville School District, of Tattnall County, and shall be validated as provided by law.”

#### SECTION 2.

Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two thirds vote of the members of each House, with the “ayes” and “nays” thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, “For ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution authorizing the Reidsville School District, of Tattnall County, Georgia, to issue refunding bonds,” and all persons opposed to the adopting of said amendment shall have written or printed on their ballots the words, “Against ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the Reidsville School District, of Tattnall County, Georgia, to issue refunding bonds.” And if a majority of the electors qualified to vote for members of the General Assembly, voting thereon shall vote for ratification thereof, when the result shall be consolidated as now required by law in election of members of the General Assembly, the said amendment shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation thereof, as provided by law.

#### SECTION 3.

All laws and parts of laws in conflict herewith are hereby repealed.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Voting in the affirmative were Messrs.:

Aiken	Ennis, J. H.	Lewis
Allen	Ennis, Marion	Looper
Allison of White	Etheridge of Baker	Lovett
Almand	Etheridge of Fulton	Mankin
Ansley	Evans of McDuffie	Marshall
Atkinson	Ferguson of Camden	Maxwell
Barrett	Ferguson of Sumter	McBride
Beck	Ford	McCracken
Bell	Forrester of Crisp	McGraw
Bennett of Clarke	Foster	McNall
Bennett of Ware	Fowler of Treutlen	Merritt
Binion	Franklin of Polk	Middleton
Blackshear	Gaines	Mills
Blease	Gill	Moore of Lumpkin
Bloodworth	Gowen	Moore of Taliaferro
Boyd of Greene	Graham	Morgan
Branch	Grant	Pannell
Brooks of Jackson	Grayson	Parham
Brooks of Oglethorpe	Grice	Parker
Bruce	Griffin	Pharr
Bynum	Gross of Stephens	Pilcher
Candler	Gross of Washington	Preston
Carmichael of Cobb	Guyton	Rees
Carrington	Harden	Reid
Carter	Harrison of Crawford	Rossee
Chappell	Harrison of Jenkins	Roughton
Cheney	Harvey	Rountree
Claxton	Hatchett	Sabados
Clements of Calhoun	Henderson	Sams
Clements of Wheeler	Herndon	Sapp
Cobb	Hill	Sartain
Connell	Hinson	Scott
Cook	Howard	Smiley
Corbett	Jackson	Smith of Schley
Curry	Joel	Stiles
Dallis	Jones of Brantley	Strickland of Haralson
Daughtry	Jones of Paulding	Strickland of Pierce
Davidson	Jones of Richmond	Sumner
Davis of Coweta	Kelley	Swindle
Davis of Floyd	Kendrick	Tate
Dockery	Kennedy	Thornton
Drinkard	Key	Tippins
Edwards of Lowndes	Kimbrough	Tipton
Edwards of Taylor	King	Tomlinson
Elliott	Lanham	Trippe

Turner	Whitaker	Wohlwender
Wages	Wiggins	Wright
Wells	Williams of Ware	Yeomans

Those not voting were Messrs.:

Allison of Gwinnett	Etheridge of Houston	Pierce
Barlow	Evans of Laurens	Purdy
Boyd of Cook	Flanders	Ragan
Bray	Forrester of Dade	Rawlins
Bush	Fowler of Douglas	Rogers
Campbell	Franklin of Bulloch	Sanders
Carmichael of Butts	Gavin	Saunders
Clark	Goddard	Simmons
Clary	Goolsby	Smith of Henry
Clements of Marion	Greene	Summerour
Conner	Hardman	Terrell
Coogler	Hayes	Thigpen of Evans
Culpepper of Fayette	Holtzendorff	Thigpen of Glascock
Culpepper of Mitchell	Johnson	Vickery
Dean	Kaigler	Warren
DeFoor	Lanier	Whipple
Dickerson	Mason	Williams of Bacon
Douglass	McDaniel	Yawn
Drake	Miller	
Easley	Mosely	
English	Moss	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 144, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

By Senator Dawson of the 2nd District—

Senate Bill No. 175.

#### A BILL TO BE ENTITLED

An Act to propose to the qualified voters of Georgia an amendment to Article 7. Section 7. Paragraph 1, of the Constitution of Georgia, so as to authorize the Willie Consolidated School District, of Liberty County, Georgia, to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and laws of Georgia for the purpose of refunding and retiring its existing bonded indebtedness and interest thereon due and unpaid as of June 30, 1939, and any bonded indebtedness due up to and including December 30, 1947; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the re-

tirement of said bonded indebtedness and interest thereof due and unpaid on June 30, 1939, and any bonded indebtedness which becomes due up to and including December 30, 1947; to provide for the submission of the amendment for ratification by the people; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of same, that Article 7, Section 7, Paragraph 1, of the Constitution of Georgia which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph, in the following words, to-wit:

“And except that the Willie Consolidated School District, of Liberty County, Georgia, may issue refunding serial bonds not in excess of the aggregate sum of \$15,000.00 for the purpose of refunding and retiring any bonded indebtedness and interest thereon of said School District outstanding past due and unpaid on June 30, 1939, and any bonded indebtedness of said School District outstanding and which becomes due up to and including December 30, 1947, and provide for the assessment and collection of an annual tax, sufficient in amount to pay the principal and interest of said bonds as they fall due; the proceeds of all such refunding bonds so issued by the Willie Consolidated School District to be used exclusively for the purpose of paying and retiring said bonded indebtedness and interest thereon that is due and unpaid as of June 30, 1939, and any bonded indebtedness outstanding and which becomes due up to and including December 30, 1947. Said refunding bonds shall be issued when authorized by a vote of the Trustees of the said Willie Consolidated School District, of Liberty County, and shall be validated as provided by law.”

Section 2. Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two thirds vote of the members of each House, with the “ayes” and “nays” thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words “For ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution authorizing the Willie Consolidated School District, of Liberty County, Georgia, to issue refunding bonds,” and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words, “Against ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the Willie Consolidated School District, of Liberty County, Georgia, to issue refunding bonds.” And if a majority of the electors qualified to vote for members of the General Assembly, voting thereon shall vote for ratification thereof, when the result shall be consolidated as now required by law in election for members of the General Assembly, the said amendments shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation therefor, as provided by law.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Edwards of Lowndes	Jones of Richmond
Allison of Gwinnett	Edwards of Taylor	Kelley
Allison of White	Elliott	Kendrick
Almand	Ennis, J. H.	Kennedy
Ansley	Ennis, Marion	Key
Atkinson	Etheridge of Baker	Kimbrough
Barrett	Etheridge of Fulton	King
Beck	Evans of McDuffie	Lanham
Bell	Ferguson of Camden	Lewis
Bennett of Clarke	Ferguson of Sumter	Looper
Bennett of Ware	Ford	Mankin
Blackshear	Forrester of Crisp	Mason
Blease	Foster	Maxwell
Bloodworth	Fowler of Treutlen	McBride
Boyd of Greene	Franklin of Polk	McCracken
Branch	Gaines	McGraw
Brooks of Jackson	Gill	McNall
Brooks of Oglethorpe	Gowen	Merritt
Bruce	Graham	Middleton
Bynum	Grant	Mills
Candler	Grayson	Moore of Lumpkin
Carmichael of Cobb	Grice	Morgan
Carrington	Griffin	Pannell
Carter	Gross of Stephens	Parham
Cheney	Gross of Washington	Parker
Claxton	Guyton	Pharr
Clements of Calhoun	Harden	Pilcher
Clements of Wheeler	Harrison of Crawford	Preston
Cobb	Harrison of Jenkins	Rees
Connell	Harvey	Reid
Cook	Hatchett	Rossee
Corbett	Henderson	Roughton
Curry	Herndon	Rountree
Dallis	Hill	Sabados
Daughtry	Hinson	Sams
Davidson	Howard	Sapp
Davis of Coweta	Jackson	Sartain
Davis of Floyd	Joel	Scott
Drinkard	Jones of Brantley	Smiley

Smith of Schley	Tippins	Wells
Stiles	Tipton	Whitaker
Strickland of Haralson	Tomlinson	Wiggins
Strickland of Pierce	Trippe	Williams of Ware
Sumner	Turner	Yeomans
Swindle	Vickery	
Tate	Wages	

Those not voting were Messrs.:

Allen	English	Mosely
Barlow	Etheridge of Houston	Moss
Binion	Evans of Laurens	Pierce
Boyd of Cook	Flanders	Purdy
Bray	Forrester of Dade	Ragan
Bush	Fowler of Douglas	Rawlins
Campbell	Franklin of Bulloch	Rogers
Carmichael of Butts	Gavin	Sanders
Chappell	Goddard	Saunders
Clark	Goolsby	Simmons
Clary	Greene	Smith of Henry
Clements of Marion	Hardman	Summerour
Conner	Hayes	Terrell
Coogler	Holtzendorff	Thigpen of Evans
Culpepper of Fayette	Johnson	Thigpen of Glascock
Culpepper of Mitchell	Jones of Paulding	Thornton
Dean	Kaigler	Warren
DeFoor	Lanier	Whipple
Dickerson	Lovett	Williams of Bacon
Dockery	Marshall	Wohlwender
Douglass	McDaniel	Wright
Drake	Miller	Yawn
Easley	Moore of Taliaferro	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 137, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

By Mr. Bell of Grady—

House Bill No. 404.

#### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize Grady County by vote of its fiscal authority to issue Warrant Refunding Bonds sufficient in amount to pay off and retire the designated warrant indebted-

ness of said county; to provide that in the event such warrant indebtedness is paid off and retired that said County shall thereafter operate on a strictly cash basis and be prohibited from issuing warrants or orders payable in the future; to provide that the bills and claims of and against said county and its Treasury shall be paid by check and how such checks shall be executed; to authorize the fiscal authority of said county to thereafter budget and limit the expenditures of the various officers and departments of said county other than the Courts thereof; to provide how said bonds shall be authorized, validated and issued; to require the fiscal authority of said county to make provision for paying off and retiring said bonds; to provide that the proceeds of said bonds shall be used exclusively for paying off and retiring a designated warrant indebtedness; to provide for the submission of this amendment for ratification or rejection by the people; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same:

#### SECTION 1.

That Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, which has heretofore been amended, shall be further amended by adding thereto a new subparagraph in the following words and language, to-wit:

"Provided, however, that in addition to the bonded indebtedness now or hereafter authorized by this Constitution, Grady County is hereby authorized and empowered to issue bonds sufficient in amount to refund, pay off and retire the unpaid, outstanding and existing warrant indebtedness of said county, including interest due or payable thereon, as the same appears of record in the office of the Treasurer or ex-officio Treasurer of said County on the date as determined by the Board of Commissioners of Roads and Revenues of said county, which date shall be not less than ten days and not more than thirty days next after the date of the proclamation of the Governor declaring this amendment ratified; said bonds to be known and designated as "Warrant Refunding Bonds." In the event the privilege granted herein is exercised by said County, after said date as so determined by said Board, said County and the authorities thereof are prohibited from issuing warrants and deferred payment orders on the Treasury of said County, and said County shall thereafter be operated on a cash basis so that all bills and claims chargeable to or against said county or payable by the treasury of said County shall be paid monthly or otherwise as determined by the Governing body of said County or as promptly as possible by checks drawn on the depository or depositories holding the funds of said county, and in no other way; no such check to be issued until funds are on deposit sufficient to immediately pay same and all other checks then outstanding, and all such checks to be signed by the Chairman of said Board or Chief Executive Officer of said county and signed or approved in writing by the Treasurer of said County; with the right in said Board or equivalent county authority to borrow money to supply casual deficiencies in revenue as heretofore authorized by this Constitution; with the further right hereby vested in said Board or other equivalent fiscal authority to budget, and limit the cost and expenditures of, the various officers and departments of said County, other than

the schools, and the Courts thereof and expenses of Courts; any existing provision of this Constitution of any law, rule, or resolution of any other board, commission or authority to the contrary notwithstanding. No violation of any provision of this amendment as to the conduct after the determined date aforesaid of the fiscal affairs of said County shall in any wise affect or impair the validity of said Warrant Refunding Bonds. Said refunding bonds shall have such terms and provisions as to maturity, rate of interest and otherwise, as may be fixed by the Board of Commissioners of Roads and Revenues of said County, provided, however, that said bonds must all mature within thirty years from date of issuance. Provision shall be made by the proper fiscal authority by formal resolution for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said warrant refunding bonds as they respectively become due, and the proceeds of said bonds shall be used exclusively for the purpose of paying and retiring the warrant indebtedness hereinabove identified. Said Warrant Refunding Bonds shall be issued under authority hereof only when authorized by a vote and resolution of the Board of Commissioners of Roads and Revenues of Grady County but without the necessity of an election as in the case of original obligation bonds, and said Warrant Refunding Bonds shall then be validated in the manner and under the procedure, in accordance with this amendment, as is provided by law for the validation of original obligation bonds."

#### SECTION 2.

Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two-thirds vote of the members of each House, with the "ayes" and "nays" thereon, the Governor is hereby directed to have this proposal published in one or more newspapers in each Congressional district in this State for two months previous to the time for holding the next General Election at which proposed amendments to the Constitution of this State may be voted on, and shall at said election be submitted to the people for ratification or rejection. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, "For ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution, so as to authorize Grady County to issue warrant refunding bonds, and for other purposes" and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words, "Against ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution, so as to authorize Grady County to issue warrant refunding bonds, and for other purposes." And if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof as provided by law, when the result shall be consolidated as now required by law in elections for members of the General Assembly, then said amendment shall become a part of article seven, section seven, paragraph one, of the Constitution of the State of Georgia, and the Governor shall make proclamation therefor as provided by law.

#### SECTION 3.

Be it further enacted, that all laws or parts of laws in conflict herewith be, and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

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The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Ennis, Marion	Kimbrough
Allison of White	Etheridge of Baker	King
Ansley	Etheridge of Fulton	Lanham
Atkinson	Evans of McDuffie	Lanier
Barrett	Ferguson of Camden	Lewis
Beck	Ferguson of Sumter	Lovett
Bell	Ford	Mankin
Bennett of Clarke	Forrester of Crisp	Marshall
Bennett of Ware	Fowler of Treutlen	Mason
Blackshear	Franklin of Polk	Maxwell
Blease	Gaines	McBride
Bloodworth	Gavin	McCracken
Boyd of Greene	Gill	McGraw
Branch	Gowen	McNall
Brooks of Jackson	Graham	Merritt
Brooks of Oglethorpe	Grant	Middleton
Bruce	Grayson	Moore of Lumpkin
Bynum	Greene	Morgan
Candler	Grice	Pannell
Carmichael of Cobb	Griffin	Parham
Carrington	Gross of Stephens	Parker
Cheney	Gross of Washington	Pharr
Claxton	Guyton	Pilcher
Clements of Wheeler	Harrison of Crawford	Preston
Cobb	Harrison of Jenkins	Rees
Connell	Harvey	Reid
Cook	Hatchett	Rossee
Corbett	Henderson	Roughton
Curry	Herndon	Rountree
Dallis	Hill	Sabados
Daughtry	Hinson	Sams
Davidson	Howard	Sapp
Davis of Coweta	Jackson	Sartain
Davis of Floyd	Joel	Scott
Dean	Jones of Brantley	Smiley
Drinkard	Jones of Richmond	Smith of Schley
Edwards of Lowndes	Kelley	Stiles
Edwards of Taylor	Kendrick	Strickland of Haralson
Elliott	Kennedy	Strickland of Pierce
Ennis, J. H.	Key	Summerour

Sumner	Tomlinson	Wells
Swindle	Trippe	Whitaker
Tate <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Turner	Wiggins
Tippins	Vickery	Williams of Ware
Tipton	Wages	Yeomans

Those not voting were Messrs.:

Allen	Douglass	Moore of Taliaferro
Allison of Gwinnett	Drake	Mosely
Almand	Easley	Moss
Barlow	English	Pierce
Binion	Etheridge of Houston	Purdy
Boyd of Cook	Evans of Laurens	Ragan
Bray	Flanders	Rogers
Bush	Forrester of Dade	Sanders
Campbell	Foster	Saunders
Carmichael of Butts	Fowler of Douglas	Simmons
Carter	Franklin of Bulloch	Smith of Henry
Chappell	Goddard	Terrell
Clark	Goolsby	Thigpen of Evans
Clary	Harden	Thigpen of Glascock
Clements of Calhoun	Hayes	Thornton
Clements of Marion	Holtzendorff	Warren
Conner	Johnson	Whipple
Coogler	Jones of Paulding	Williams of Bacon
Culpepper of Fayette	Kaigler	Wohlwender
Culpepper of Mitchell	Looper	Wright
DeFoor	McDaniel	Yawn
Dickerson	Miller	
Dockery	Mills	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 137, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

By Mr. Griffin of Wilkes—

House Bill No. 576. A bill to be entitled an Act to amend an Act regulating the trapping of predatory fur-bearing animals in counties of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 766. A bill to be entitled an Act to provide a retirement fund for teachers and other employees in county school systems in counties in the State having a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 767. A bill to be entitled an Act to provide a civil service for teachers and other employees in the county school system in counties of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 112, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Marion Ennis and J. H. Ennis of Baldwin—

House Bill No. 624. A bill to be entitled an Act to give and grant to the Board of Trustees of Georgia Military College certain land which constitutes part of the Old Capitol Square in the City of Milledgeville; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 1.

The bill having received the requisite constitutional majority was passed.

By Messrs. Barlow and Parker of Colquitt—

House Bill No. 651. A bill to be entitled an Act to prohibit goats from running at large in counties of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District—

Senate Bill No. 173. A bill to be entitled an Act to amend an Act to provide for a pension for members of the police department in cities of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District—

Senate Bill No. 170. A bill to be entitled an Act to provide for a budget in counties of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 1.

The bill having received the requisite constitutional majority was passed.

By Mr. Graham of Brooks—

House Bill No. 638. A bill to be entitled an Act to prohibit goats from running at large in counties of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 1.

The bill having received the requisite constitutional majority was passed.

By Messrs. Bynum of Rabun, Carmichael of Cobb, Grice of Bibb, Gowen of Glynn, and others—

House Bill No. 693. A bill to be entitled an Act to bestow the name of Bleckley upon the mountain in Rabun County, now generally known as Screamer Mountain; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District—

Senate Bill No. 107. A bill to be entitled an Act to amend an Act to create a Civil Service Board in cities of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Evans of McDuffie—

~~House Bill No. 728.~~ A bill to be entitled an Act to provide the manner in which Justices of the Peace and Notaries-Public shall be compensated in criminal cases in counties of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 1.

The bill having received the requisite constitutional majority was passed.

By Senator Redman of the 26th District—

Senate Bill No. 51. A bill to be entitled an Act to provide for the holding of four terms each year of Butts Superior Court; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Herndon of Hart—

House Bill No. 386. A bill to be entitled an Act to amend the Highway Mileage, by adding a certain road in Hart County in the City of Hartwell; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

Mr. Elliott of Muscogee moved that the House do now adjourn until 9:00 o'clock tomorrow morning, and the motion was lost.

By Senator Dorminy of the 45th District—

Senate Bill No. 133. A bill to be entitled an Act to repeal an Act amending an Act relative to the manner of selecting members of the County Board of Education in certain designated counties; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District—

Senate Bill No. 108. A bill to be entitled an Act to provide that counties of a certain population shall furnish aid and relief and pensions to regular members of county police departments; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District—

Senate Bill No. 62. A bill to be entitled an Act to amend an Act to provide that cities of a certain population shall furnish pensions; and for other purposes.

The following House amendment to Senate Bill No. 62, was read and adopted:

Mrs. Mankin of Fulton County moves to amend Senate Bill No. 62 as follows:

By striking the words "April 1st" where the same appears in the caption of the bill and inserting in lieu thereof the words "June 1st", and by striking the words "April 1st" from the 2nd line of Section 5 and inserting in lieu thereof the words "June 1st"

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, as amended, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Sanders of the 36th District—

Senate Bill No. 86. A bill to be entitled an Act to change the names of George Malcolm Smith and Herbert Watson Smith of the County of Coweta; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the following Committee Reports were read:

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 768. Do pass.

~~House Bill No. 803~~ Do pass.

House Bill No. 813. Do not pass.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 196. Do pass.

House Bill No. 801. Do pass.

House Bill No. 805. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Wells of Burke County, Chairman of the Committee on Public Library, submitted the following report:

Mr. Speaker:

Your Committee on Public Library have had under consideration the following Resolutions of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Resolution No. 171-740 A. Do pass.

House Resolution No. 173-759 A. Do pass.

House Resolution No. 186-807 A. Do pass.

Respectfully submitted,

Wells of Burke, Chairman.

Mr. Davis of Floyd County, Chairman of the Committee on Education No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Education No. 1 have had under consideration the following Resolution of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

Senate Resolution No. 45. Do pass.

House Resolution No. 174-765 A. Do pass.

Respectfully submitted,

Davis of Floyd, Chairman.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House, to-wit:

By Mr. Jones of Paulding—

House Bill No. 717. A bill to create a new Charter for the Town of Dallas; to define the corporate limits of said Town; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute by the requisite constitutional majority the following bills of the House, to-wit:

By Mr. Pannell of Murray—

House Bill No. 622. A bill to amend an Act to fix the salaries of the members of the Board of Roads and Revenues of Murray County; and for other purposes.

By unanimous consent, the following bills and resolutions of the House and Senate, favorably reported, were read the second time:

By Mr. Easley of Whitfield—

House Bill No. 768. A bill to be entitled an Act to incorporate the Town of Twin Lakes in Whitfield County; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 801. A bill to be entitled an Act to repeal an Act approved March 8, 1937, Pages 1303-04 of the 1937 Acts providing for a repeal of the Acts of 1931 of the General Assembly creating the office of Tax Commissioner of Coffee County; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 803. A bill to be entitled an Act to amend an Act entitled "An Act to incorporate the City of Broxton, etc."; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 805. A bill to be entitled an Act to repeal an Act of the General Assembly creating the office of Tax Receiver of Coffee County; and for other purposes.  
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By Mr. Clark of Catoosa—

House Resolution No. 171-740 A. A resolution authorizing the State Librarian to furnish certain law books to Catoosa County; and for other purposes.

By Mr. Herndon of Hart—

House Resolution No. 173-759 A. A resolution authorizing the State Librarian to furnish to the Ordinary of Hart County certain appellate court reports; and for other purposes.

By Messrs. Yeomans of Wayne and Forrester of Dade—

House Resolution No. 174-765 A. A resolution providing for the manner and funds from which teachers salaries shall be paid; and for other purposes.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Resolution No. 186-807 A. A resolution authorizing the State Librarian to furnish certain missing court reports for the use of the Judge of Superior Court in Floyd County and members of the bar; and for other purposes.

By Senator Dawson of the 2nd District—

Senate Bill No. 196. A bill to be entitled an Act to repeal an Act of the General Assembly, approved February 7, 1938, entitled "An Act to abolish the office of Tax Collector of Liberty County; to create in lieu thereof the office of Tax Commissioner"; and for other purposes.

By Senator Harrell of the 7th District—

Senate Resolution No. 45. A resolution providing for assurance of providing the amount of funds necessary to comply with our obligation to pay the various schools in the State the expenses for a seven months school term and to remove the uncertainty confronting the teachers of Georgia; and for other purposes.

Mr. Gross of Stephens moved that the House do now adjourn until tomorrow morning at 9:00 o'clock, and the motion prevailed.

Leave of absence was granted to Mr. Rogers of Floyd.

The Speaker announced the House adjourned until tomorrow morning at 9:00 o'clock.

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Wednesday, March 15th, 1939.

The house met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

By unanimous consent, the call of the roll was dispensed with.

Mr. Jones of Richmond, Acting-Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first period of unanimous consents:

1. Reports of Standing Committees.
2. Second reading of bills and resolutions, favorably reported.
3. Third reading and passage of local uncontested bills and resolutions of the House and Senate.
4. First reading and reference of Senate bills and resolutions.

Mr. Campbell of Newton County, Vice-Chairman of the Committee on Amendments to Constitution No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 1 have had under consideration the following bills and resolutions of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Resolution No. 187-807B. Do pass.

House Resolution No. 188-807 C. Do pass.

House Resolution No. 178-780 A. Do not pass.

House Bill No. 572. Do pass.

House Bill No. 490. Do pass.

House Resolution No. 72-276 B. Do not pass.

House Bill No. 487. Do not pass.

Respectfully submitted,

Campbell of Newton, Vice-Chairman.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:  
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Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bill and resolution of the House and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 823. Do pass.

House Resolution No. 199-823 b. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Davis of Floyd County, Chairman of the Committee on Education No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Education No. 1, have had under the consideration the following bill of the Senate and have instructed me as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 185. Do pass.

Respectfully submitted,

Davis of Floyd, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills and resolutions of the House, to-wit:

House Bills Nos. 258, 274, 276, 309, 334, 352, 386, 404, 420, 473, 474, 576, 623, 624, 638, 651, 653, 674, 693, 698, 720, 727, 728, 755, 766, 767, 768, 774, 783, 787, 789, 800, 801, 802, 805, 807. 808, 811.

House Resolutions Nos. 55-241 A, 60-259 A, 93-361 C, 128-480 A, 142-533 B, 171-740 A, 177-779 A, 186-807 A.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

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Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 820. Do pass.

House Bill No. 822. Do pass.

Senate Bill No. 211. Do pass.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Edwards of Lowndes County, Chairman of the Committee on State of Republic, submitted the following report:

Mr. Speaker:

Your Committee on State of Republic have had under consideration the following bill and resolution of the House and Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 187. Do pass.

House Resolution No. 200-823 C. Do pass.

Respectfully submitted,

Edwards of Lowndes, Chairman.

Mr. Vickery of Charlton County, Chairman of the Committee on Railroads, submitted the following report:

Mr. Speaker:

Your Committee on Railroads have had under consideration the following bill of the Senate and have instructed me as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 200. Do pass.

Respectfully submitted,

Vickery of Charlton, Chairman.

Mr. Lanham of Floyd County, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means have had under consideration the follow-

ing bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

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Senate Bill No. 219. Do pass.

Respectfully submitted,

Lanham of Floyd, Chairman.

By unanimous consent, the following bills and resolutions of the House and Senate, favorably reported, were read the second time:

By Messrs. Gowen of Glynn, Ferguson of Camden, DeFoor of McIntosh, Gill of Bryan and Smiley of Liberty—

House Bill No. 490. A bill to be entitled an Act to propose to the qualified voters of the State of Georgia an amendment to the Constitution of the State of Georgia authorizing the continuance of the Coastal Highway District; and for other purposes.

By Mr. Thigpen of Glascock—

House Bill No. 572. A bill to be entitled an Act to propose to the qualified voters of Georgia Amendment to Article VI, Section II, Paragraph V, of the Constitution of Georgia by abolishing the right of the Supreme Court to review or pass upon any decision or judgment of the Court of Appeals by and through the writ of certiorari; and for other purposes.

By Mr. Harrison of Jenkins—

House Bill No. 820. A bill to be entitled an Act to create a new Charter for the City of Millen, in the County of Jenkins, State of Georgia; and for other purposes.

By Mr. Whitaker of Appling—

House Bill No. 822. A bill to be entitled an Act to amend the Charter of the City of Baxley; and for other purposes.

By Messrs. Jones of Paulding, Trippe and Franklin of Polk, and Fowler of Douglas—

House Bill No. 823. A bill to be entitled an Act to abolish the fee system in the Superior Courts of the Tallapoosa Circuit; and for other purposes.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Resolution No. 187-807 B. A resolution to amend Article VI, Section 2, Paragraph 5, of the Constitution so as to provide for the jurisdiction of the Supreme Court to provide for the submission of said amendment to the voters of the State for ratification by the people; and for other purposes.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Resolution No. 188-807 C. A resolution to amend Article VI, Section 2, Paragraph 9, of the Constitution so as to provide for the jurisdiction of the Court of Appeals to provide for the submission of said amendment to the qualified voters of the State for ratification by the people; and for other purposes.

By Messrs. Carmichael of Cobb, Harris of Richmond and Scott of Thomas—

House Resolution No. 199-823 B. A resolution providing manner of suspension of maintenance tax by persons who did not use trucks during 1937 on the highways of this State; and for other purposes.

By Mr. Edwards of Lowndes—

House Resolution No. 200-823 C. A resolution proposing to the qualified voters an amendment to Paragraph 2 of Section 1 of Article XI of the Constitution so as to consolidate the Counties of this State into sixty counties; and for other purposes.

By Senator Twiggs of the 40th District—

Senate Bill No. 185. A bill to be entitled an Act to amend the "Equalizing Educational Opportunities Act" (Georgia Laws 1937, Pages 882-892); and for other purposes.

By Senator Twiggs of the 40th District—

Senate Bill No. 187. A bill to be entitled an Act to adopt an official coat of arms and an official flag for the State of Georgia; and for other purposes.

By Senator Palmour of the 33rd District—

Senate Bill No. 200. A bill to be entitled an Act to amend Chapter 95-18 of the Code of Georgia of 1933, relating to the designation of railroad crossings as safe or unsafe; and for other purposes.

By Senators Daves of the 14th and Dorminy of the 45th Districts—

Senate Bill No. 211. A bill to be entitled an Act to amend Section 69-114 and 69-417 of the Code which relate to manners of providing for street improvements; and for other purposes.

By Senator Brinson of the 42nd District—

Senate Bill No. 219. A bill to be entitled an Act to amend an Act changing the classes and amounts of commissions allowed to tax-receivers and tax-collectors of State and County taxes; and for other purposes.

By unanimous consent, the following bills of the House were read the third time and placed upon their passage:

By Mr. Easley of Whitfield—

House Bill No. 768. A bill to be entitled an Act to incorporate the Town of Twin Lakes in the County of Whitfield; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Rossee of Putnam—

House Bill No. 787. A bill to be entitled an Act to abolish the offices of Tax Receiver and Tax Collector and create the office of Tax Commissioner of Putnam County.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Sapp of Coffee—

House Bill No. 800. A bill to be entitled an Act to repeal an Act creating the office of Tax Collector of Coffee County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Sapp of Coffee—

House Bill No. 801. A bill to be entitled an Act to repeal an Act creating the office of Tax Commissioner of Coffee County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Sapp of Coffee—

House Bill No. 803. A bill to be entitled an Act to amend an Act to incorporate the City of Broxton in Coffee County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 808. A bill to be entitled an Act to amend an Act creating a charter for the City of Augusta; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 109, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Campbell of Newton—

House Bill No. 816. A bill to be entitled an Act to amend an Act creating the City of Avondale Estates, which said Act relates to the powers of the City Court; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the following bill of the Senate was read the first time and referred to the Committee:

By Senator Kelley of the 30th District—

Senate Bill No. 223. A bill to be entitled an Act to amend the Act creating the office of Tax Commissioner of Hart County; and for other purposes.

Referred to Committee on Counties and County Matters.

By unanimous consent, the following bill of the House was withdrawn from further consideration:

By Mr. Carmichael of Butts—

House Bill No. 788. A bill to be entitled an Act to amend an Act to create a new Charter for the City of Jackson; and for other purposes.

Mr. Campbell of Newton gave notice that at the proper time he would move that the House reconsider its action in passing the following bill of the House, to-wit:

By Mr. Campbell of Newton—

House Bill No. 816. A bill to be entitled an Act to amend an Act creating the City of Avondale Estates, which said Act relates to the powers of the City Court; and for other purposes.

Under the special and continuing order of business, established by the Committee on Rules, the following bills and resolutions of the House and Senate were taken up for consideration and read the third time.

By Mr. Sapp of Coffee—

~~House Bill No. 805.~~ A bill to be entitled an Act to repeal an Act creating the office of Tax Receiver of Coffee County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Sapp of Coffee—

House Bill No. 754. A bill to be entitled an Act to provide for holding four terms a year of the Superior Court of Coffee County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Resolution No. 186-807 a. A resolution authorizing the State Librarian to furnish certain missing court reports to the Judge of the Superior Court in Floyd County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 103, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By Senator Howe of the 38th District—

Senate Resolution No. 36. A resolution authorizing the State Librarian to furnish certain law books to Haralson County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 104, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By Mr. Clark of Catoosa—

House Resolution No. 171-740 a. A resolution authorizing the State Librarian to furnish certain law books to Catoosa County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 110, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By Mr. Forrester of Dade—

House Resolution No. 60-259 a. A resolution authorizing and directing the State Librarian to furnish certain books to Dade County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 105, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By Messrs. Goddard and Purdy of Spalding—

House Resolution No. 55-241 a. A resolution authorizing the State Librarian to furnish certain enumerated volumes of the Georgia Supreme Court and Georgia Court of Appeals to the Clerk of the Superior Court of Spalding County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 104, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By Mr. Pannell of Murray—

House Resolution No. 62-259 c. A resolution authorizing the State Librarian to furnish certain law books to the Ordinary of Murray County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 106, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By Messrs. Hatchett and McGraw of Meriwether—

House Bill No. 783. A bill to be entitled an Act to repeal an Act to provide for holding four terms in each year of the Superior Court of Meriwether County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Allison and Pharr of Gwinnett—

House Resolution No. 128-480 a. A resolution authorizing the State Librarian to furnish certain volumes of Supreme and Court of Appeals Reports to Gwinnett County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 107, the nays 0.

The resolution having received the requisite constitutional majority was passed.

By Messrs. Simmons and Mills of Decatur—

House Resolution No. 142-533 b. A resolution authorizing the State Librarian to furnish certain Supreme Court Reports to the Ordinary of Decatur County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 110, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By Messrs. Marion Ennis and J. H. Ennis of Baldwin—

House Bill No. 698. A bill to be entitled an Act to provide for the sale of surplus products of institutions under the control and supervision of the State Welfare Department; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 114, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Beck and Reid of Carroll—

House Bill No. 474.

#### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia so as to authorize the Town of Bowdon, Carroll County, Georgia, to refund a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia, for the purpose of refunding and retiring its present or any future bonded indebtedness legally incurred that may be due and unpaid, provided that the same shall not be in excess of the amount municipalities are now authorized to incur, and provided that the funds raised from such additional bonded indebtedness shall be used exclusively and for no other purpose than for the retirement of said bonded

indebtedness that may exist for the present time or in the future, and to provide for same as may become due or unpaid and to authorize the governing authorities of the Town of Bowdon, without a vote of the people, to authorize the issuance of said refunding bonds to meet the present or any future indebtedness that may be incurred, and to provide for the submission of this amendment for ratification by the people; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

That Article 7, Section 7, and Paragraph 1, of the Constitution of Georgia which has heretofore been amended shall be further amended by adding at the end thereof a new paragraph in the following words, to-wit:

“And except that the Town of Bowdon in Carroll County, Georgia, for its present or future bonded indebtedness may issue serial refunding bonds not in excess of the legally authorized outstanding unpaid bonded indebtedness, which includes principal and interest, for the purpose of refunding and retiring any bonded indebtedness for said Town of Bowdon municipality and provide for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said refunding bonds as they shall fall due; the proceeds of such refunding bonds that may be issued as herein provided to be used exclusively for the purpose of paying and retiring said bonded indebtedness that is due, or that may become due, and unpaid on any future bonded indebtedness and provided further that said refunding bonds shall be issued only when authorized by a vote of the governing body of the Town of Bowdon and then shall be validated as is provided by law.”

SECTION 2.

Be it further enacted by the authority aforesaid that when said amendment shall be agreed to by two-thirds vote of the members of each House with the ayes and nays thereon, the Governor is hereby directed to have this proposal published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election at which proposed amendments to the Constitution of this State may be voted on and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words “For ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution authorizing the Town of Bowdon to issue refunding bonds”, and all persons opposed to the adopting of said amendment shall have written or printed on their ballots the words “Against ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution authorizing the Town of Bowdon to issue refunding bonds.” And if a majority of the electors qualified to vote for members of the General Assembly voting thereon shall vote for ratification thereof as provided by law, the result shall be consolidated as now required by law in elections for members of the General Assembly, and said amendment shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State and the Governor shall make a proclamation therefor as provided by law.

## SECTION 3.

~~All laws and parts of~~ laws in conflict with this Act be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Corbett	Griffin
Allen	Culpepper of Fayette	Gross of Stephens
Allison of Gwinnett	Curry	Gross of Washington
Allison of White	Daughtry	Guyton
Almand	Davidson	Harden
Ansley	Davis of Coweta	Hardman
Atkinson	Davis of Floyd	Harrison of Crawford
Barlow	Dean	Harrison of Jenkins
Barrett	DeFoor	Harvey
Beck	Dockery	Hatchett
Bennett of Clarke	Douglass	Henderson
Bennett of Ware	Drake	Herndon
Binion	Drinkard	Hinson
Blackshear	Edwards of Taylor	Holtzendorff
Blease	English	Howard
Bloodworth	Ennis, J. H.	Jackson
Boyd of Cook	Etheridge of Fulton	Joel
Boyd of Greene	Etheridge of Houston	Jones of Brantley
Branch	Evans of Laurens	Jones of Richmond
Bray	Evans of McDuffie	Kaigler
Brooks of Jackson	Ferguson of Camden	Kelley
Bruce	Ferguson of Sumter	Kendrick
Bynum	Ford	Key
Campbell	Forrester of Crisp	King
Carmichael of Butts	Forrester of Dade	Lanham
Carmichael of Cobb	Foster	Lanier
Carrington	Franklin of Bulloch	Lewis
Cheney	Gavin	Looper
Clary	Gill	Lovett
Claxton	Goddard	Mankin
Clements of Calhoun	Goolsby	Marshall
Clements of Wheeler	Gowen	Mason
Cobb	Graham	Maxwell
Connell	Grant	McBride
Conner	Greene	McCracken
Cook	Grice	McDaniel

McGraw	Reid	Thigpen of Glascock
McNall	Roughton	Thornton
Merritt	Rountree	Tippins
Middleton	Sabados	Tomlinson
Mills	Sams	Trippe
Moore of Lumpkin	Sanders	Vickery
Moore of Taliaferro	Sapp	Wages
Morgan	Sartain	Warren
Mosely	Saunders	Wells
Pannell	Scott	Whitaker
Parham	Smiley	Wiggins
Parker	Strickland of Haralson	Williams of Ware
Pharr	Strickland of Pierce	Wohlwender
Pierce	Summerour	Wright
Preston	Sumner	Yawn
Purdy	Swindle	Yeomans
Ragan	Tate	
Rawlins	Terrell	

Those not voting were Messrs.:

Bell	Ennis, Marion	Moss
Brooks of Oglethorpe	Etheridge of Baker	Pilcher
Bush	Flanders	Rees
Candler	Fowler of Douglas	Rogers
Carter	Fowler of Treutlen	Rossee
Chappell	Franklin of Polk	Simmons
Clark	Gaines	Smith of Henry
Clements of Marion	Grayson	Smith of Schley
Coogler	Hayes	Stiles
Culpepper of Mitchell	Hill	Thigpen of Evans
Dallis	Johnson	Tipton
Dickerson	Jones of Paulding	Turner
Easley	Kennedy	Whipple
Edwards of Lowndes	Kimbrough	Williams of Bacon
Elliott	Miller	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 160, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Swindle of Berrien—

House Bill No. 727.

#### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to

authorize the City of Ray City to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia for the purpose of refunding and retiring its existing bonded indebtedness and interest thereon due to this date and which may become due up to and including June 15, 1940, and remain unpaid, incurred by said City of Ray City, Berrien County, Georgia, for water works and electric lights, balance principal on said bonds maturing June 15, 1940, being the sum of \$15,500; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said bonded indebtedness and interest thereon that is or may become due and unpaid as of June 15, 1940; to provide for the submission of the amendment for ratification by the people; and for other purposes.

#### SECTION 1.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph, in the following words, to-wit:

“And except that the City of Ray City, Georgia, may issue refunding serial bonds not in excess of the aggregate sum of \$15,500 plus all unpaid interest on said bonds as of June 15, 1940, for the purpose of refunding and retiring any bonded indebtedness and interest thereon of said City outstanding past due and unpaid on June 15, 1940, and any bonded indebtedness and interest thereon of said City outstanding past due and unpaid on June 15, 1940, and any bonded indebtedness and interest thereon of said City outstanding and which becomes due up to and including June 15, 1940, for water works and electric lights, and provide for the assessment and collection of an annual tax, sufficient in amount to pay the principal and interest of said bonds as they fall due; the proceeds of all such refunding bonds so issued by the City of Ray City to be used exclusively for the purpose of paying and retiring said bonded indebtedness and interest thereon that is or may become due and unpaid as of June 15, 1940. Said refunding bonds shall be issued when authorized by a vote of the Mayor and Council of the City of Ray City, Georgia, and shall be validated as provided by law.”

#### SECTION 2.

Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two-thirds vote of the members of each House, with the “ayes” and “nays” thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, “For ratification of amendment to Article 7, Section 7. Paragraph 1, of the Constitution, authorizing the City of Ray City, Georgia, to issue refunding bonds,” and all persons opposed to the adopting of said amendment shall have written or printed on their ballots the words, “Against ratification of amendment

of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Ray City to issue refunding bonds." And if a majority of the electors qualified to vote for members of the General Assembly, voting thereon shall vote for ratification thereof, when the result shall be consolidated as now required by law in election for members of the General Assembly, the said amendments shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation therefor, as provided by law.

## SECTION 3.

All laws and parts of laws in conflict herewith are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Voting in the affirmative were Messrs.:

Aiken	Connell	Goolsby
Allen	Cook	Gowen
Allison of Gwinnett	Corbett	Graham
Allison of White	Culpepper of Fayette	Grant
Almand	Dallis	Greene
Ansley	Davis of Coweta	Grice
Barlow	Davis of Floyd	Griffin
Barrett	DeFoor	Gross of Washington
Beck	Dickerson	Guyton
Bennett of Clarke	Dockery	Harden
Bennett of Ware	Douglass	Harrison of Crawford
Binion	Drake	Harrison of Jenkins
Blackshear	Drinkard	Hatchett
Blease	Edwards of Taylor	Henderson
Bloodworth	English	Herndon
Boyd of Cook	Ennis, J. H.	Hill
Boyd of Greene	Ennis, Marion	Hinson
Branch	Etheridge of Fulton	Holtendorff
Brooks of Jackson	Etheridge of Houston	Howard
Bruce	Evans of McDuffie	Jackson
Bynum	Ferguson of Camden	Joel
Campbell	Ford	Jones of Brantley
Carmichael of Butts	Forrester of Crisp	Jones of Richmond
Carter	Forrester of Dade	Kaigler
Cheney	Foster	Kelley
Clary	Franklin of Bulloch	Kendrick
Claxton	Gavin	Key
Clements of Calhoun	Gill	Kimbrough
Clements of Wheeler	Goddard	King

Lewis	Pierce	Swindle
Looper	Preston	Terrell
Mankin	Purdy	Thigpen of Glascock
Maxwell	Rawlins	Thorton
McBride	Reid	Tippins
McCracken	Roughton	Tipton
McDaniel	Rountree	Tomlinson
McGraw	Sabados	Trippe
McNall	Sams	Turner
Merritt	Sanders	Vickery
Middleton	Sapp	Wages
Mills	Sartain	Wells
Moore of Lumpkin	Saunders	Whitaker
Moore of Taliaferro	Smiley	Wiggins
Pannell	Smith of Henry	Williams of Bacon
Parham	Stiles	Wright
Parker	Strickland of Haralson	Yawn
Pharr	Sumner	Yeomans

Those not voting were Messrs.:

Atkinson	Elliott	Mason
Bell	Etheridge of Baker	Miller
Bray	Evans of Laurens	Morgan
Brooks of Oglethorpe	Ferguson of Sumter	Mosely
Bush	Flanders	Moss
Candler	Fowler of Douglas	Pilcher
Carmichael of Cobb	Fowler of Treutlen	Ragan
Carrington	Franklin of Polk	Rees
Chappell	Gaines	Rogers
Clark	Grayson	Rossee
Clements of Marion	Gross of Stephens	Scott
Cobb	Hardman	Simmons
Conner	Harvey	Smith of Schley
Coogler	Hayes	Strickland of Pierce
Culpepper of Mitchell	Johnson	Summerour
Curry	Jones of Paulding	Tate
Daughtry	Kennedy	Thigpen of Evans
Davidson	Lanham	Warren
Dean	Lanier	Whipple
Easley	Lovett	Williams of Ware
Edwards of Lowndes	Marshall	Wohlwender

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 141, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed.

By Messrs. McGraw and Hatchett of Meriwether—

House Resolution No. 177-799 a.

### A RESOLUTION

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the City of Greenville to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia, for the purpose of refunding and retiring its existing bonded indebtedness due and unpaid up to and including January 1, 1940; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said bonded indebtedness that is or may become due and unpaid as of January 1, 1940; to provide for the submission of the amendment for ratification by the people; and for other purposes.

#### SECTION 1.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, which has heretofore been amended by adding at the end thereof a new paragraph in the following words, to-wit:

“And except that the City of Greenville may issue refunding serial bonds not in excess of the aggregate sum of Sixteen Thousand (\$16000) Dollars for the purpose of refunding and retiring any bonded indebtedness of said City outstanding, past due and unpaid up to and including January 1, 1940, and providing for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said bonds as they fall due; the proceeds of all such refunding bonds so issued by the City of Greenville to be used exclusively for the purpose of paying and retiring said bonded indebtedness that is or may become due and unpaid as of January 1, 1940. Said refunding bonds shall be issued when authorized by a vote of the Mayor and City Council and shall be validated as provided by law.”

#### SECTION 2.

Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two-thirds vote of the Members of each House, with the “ayes” and “nays” thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, “For ratification of Amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Greenville to issue refunding bonds”, and all persons opposed to the adopting of said amendment shall have written or printed on their ballots the words, “Against ratification of Amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Greenville to

issue refunding bonds" And if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof, when the result shall be consolidated as now required by law in election for members of the General Assembly, the said amendments shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation therefor, as provided by law.

## SECTION 3.

All laws and parts of laws in conflict herewith are hereby repealed.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

The resolution involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Voting in the affirmative were Messrs.:

Aiken	Curry	Gill
Allen	Dallis	Goddard
Allison of Gwinnett	Davidson	Goolsby
Allison of White	Davis of Coweta	Gowen
Ansley	Dean	Graham
Barlow	DeFoor	Grant
Barrett	Dickerson	Greene
Beck	Dockery	Grice
Bell	Douglass	Griffin
Bennett of Clarke	Drake	Gross of Washington
Binion	Drinkard	Guyton
Blackshear	Edwards of Lowndes	Harden
Blease	Edwards of Taylor	Harrison of Crawford
Bloodworth	English	Harrison of Jenkins
Boyd of Greene	Ennis, J. H.	Harvey
Branch	Ennis, Marion	Hatchett
Bray	Etheridge of Fulton	Henderson
Bruce	Etheridge of Houston	Herndon
Bynum	Evans of Laurens	Hinson
Carmichael of Butts	Evans of McDuffie	Holtzendorff
Carmichael of Cobb	Ferguson of Camden	Howard
Carter	Ferguson of Sumter	Jackson
Cheney	Ford	Joel
Claxton	Forrester of Crisp	Johnson
Clements of Calhoun	Forrester of Dade	Jones of Brantley
Clements of Wheeler	Foster	Jones of Richmond
Cobb	Fowler of Douglas	Kaigler
Connell	Fowler of Treutlen	Kelley
Corbett	Gaines	Kendrick
Culpepper of Fayette	Gavin	Kennedy

Key	Preston	Swindle
King	Purdy	Tate
Looper	Rawlins	Terrell
Mankin	Reid	Thigpen of Glascock
Marshall	Rees	Thornton
Mason	Roughton	Tippins
Maxwell	Rountree	Tipton
McBride	Sabados	Tomlinson
McCracken	Sams	Trippe
McDaniel	Sanders	Turner
McGraw	Sapp	Vickery
Middleton	Sartain	Wages
Mills	Saunders	Warren
Moore of Lumpkin	Smiley	Wells
Morgan	Smith of Henry	Whitaker
Mosely	Stiles	Wiggins
Pannell	Strickland of Haralson	Williams of Bacon
Parham	Strickland of Pierce	Wohlwender
Pharr	Summerour	Wright
Pierce	Sumner	Yeomans

Those not voting were Messrs.:

Almand	Daughtry	Lovett
Atkinson	Davis of Floyd	McNall
Bennett of Ware	Easley	Merritt
Boyd of Cook	Elliott	Miller
Brooks of Jackson	Etheridge of Baker	Moore of Taliaferro
Brooks of Oglethorpe	Flanders	Moss
Bush	Franklin of Bulloch	Parker
Campbell	Franklin of Polk	Pilcher
Candler	Grayson	Ragan
Carrington	Gross of Stephens	Rogers
Chappell	Hardman	Rossee
Clark	Hayes	Scott
Clary	Hill	Simmons
Clements of Marion	Jones of Paulding	Smith of Schley
Conner	Kimbrough	Thigpen of Evans
Coogler	Lanham	Whipple
Cook	Lanier	Williams of Ware
Culpepper of Mitchell	Lewis	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the adoption of the resolution, the ayes were 150, the nays 0.

The resolution having received the requisite two-thirds constitutional majority, was adopted.

The following bills of the House were taken up for the purpose of considering the Senate amendments thereto:

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By Mr. Boyd of Greene—

House Bill No. 721. A bill to be entitled an Act to create a new Charter for the City of Greensboro; and for other purposes.

The following Senate amendment to House Bill No. 721, was read and agreed to:

The Senate moves to amend House Bill No. 721, Section 45, by adding at the end of said Section the following:

“Provided, however, that the provisions of this Section shall not apply to property assessed for ad valorem taxation by the State Revenue Commissioner under the provisions of Section 92-5903 of Georgia Code of 1933 and Act No. 296, Extra Session of 1937-1938.”

By Mr. Pannell of Murray—

House Bill No. 622. A bill to be entitled an Act to amend an Act to fix the salaries of the members of the Board of Roads and Revenues of Murray County; and for other purposes.

The following Senate Substitute to House Bill No. 622, was read and agreed to:

#### A BILL

To be entitled an Act to abolish the Board of Roads and Revenues of Murray County, Georgia, as established and created by an Act approved February 10, 1933, (Georgia Laws 1933, Pages 626-634) as amended by an Act approved March 28, 1935, (Georgia Laws 1935, Pages 765-773), and to repeal both said Acts in their entirety, so as to create a new Board of Roads and Revenues of Murray County, Georgia; to determine by ballot the number comprising said Board, and to provide for an election therefor; to prescribe the term of office of the member or members of said Board and the rights, powers and duties thereof; election of the successor or successors; to fix the term of office of the member or members of said Board and their compensation; to provide for a Clerk and an Attorney for said Board and to fix their compensations; and to prescribe the duties of said Clerk; to provide for filling vacancies; to provide for a depository for county funds; to prohibit the employment of or contract with relatives; to prohibit the member or members of said Boards or any other person in the employ of Murray County from having any financial interest in the purchase or sale of merchandise, supplies, machinery, equipment or other property to or by Murray County; to prohibit any member of said Board or other employees of Murray County from receiving anything of value on account of the purchase or sale of any article to or by Murray County; to provide that the present incumbents on the Board of Roads and Revenues of Murray County shall remain in office until January 1, 1941; and to prescribe the rights, powers and duties of the present incumbents on said Board; to provide for the compensation of the present incumbents on said Board, and to provide for an election to deter-

mine the amount of said compensation; to provide that no vacancy which may occur among the present incumbents on said Board shall be filled; and for other purposes.  
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Be it enacted by the General Assembly of Georgia and it is hereby enacted by authority of the same:

#### SECTION 1.

That the Board of Roads and Revenues of Murray County, Georgia, as established and created by an Act approved February 10, 1933 (Georgia Laws 1933, Pages 626-634) as amended by an Act approved March 28, 1935 (Georgia Laws 1935, Pages 765-773) be and the same is hereby abolished and said Acts repealed in their entirety.

#### SECTION 2.

There is hereby created a Board of Roads and Revenues for the County of Murray, to consist of the present incumbents until January 1, 1941, but on and after January 1, 1941, said Board shall consist of three members, or of only one member, as determined by an election hereinafter provided for. Said Board shall have authority and control over the fiscal and other affairs of said County, and over the roads, buildings and bridges of said County, and shall generally exercise such authority and control of said County as is provided by law for a Board of Roads and Revenues.

#### SECTION 3.

Except where otherwise provided in this Act, the powers and duties of said Board of Roads and Revenues shall be as defined by the General Laws of Georgia with reference to the powers and duties of the authorities in charge of the control and management of County affairs.

#### SECTION 4.

That within thirty days after the passage and approval of this Act, the Ordinary of Murray County shall call a special election to determine whether said Board of Roads and Revenues herein provided for shall be composed of three men, or shall be composed of one man. The expenses of said election shall be paid by Murray County. Ballots shall be furnished with the words "For a three man Board", and, "For a one man Board", plainly printed thereon. The majority vote cast at said election shall determine whether said Board shall consist of one man or three men on and after January 1, 1941.

#### SECTION 5.

The election of the members of said Board to succeed the present incumbents on said Board shall be at the regular election for County officers held in Murray County in 1940, and the one man or three men elected under the provisions of this Act shall take office on the first day of January, 1941, and shall continue in office for four years and until his successor or their successors are duly elected and quali-

fied. The present incumbents of said Board shall continue to hold office until January 1, 1941.

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#### SECTION 6.

Be it further enacted by the authority aforesaid that if it is declared that said Board of Roads and Revenues on and after January 1, 1941, shall consist of three members, said Board shall meet in their office at the Courthouse in regular meeting on the first Tuesday in each month for the transacting of any business appertaining to County affairs, and shall meet at such special or called meetings as they may see fit to hold. They shall each receive as compensation the sum of Five Hundred (\$500.00) Dollars per annum, payable monthly, and shall not draw pay for any other services rendered said County. Before entering upon the duties of said office, the members of said Board shall take and subscribe to an oath for the faithful performance of their duties, and shall give bond payable to and approved by the Ordinary of said County in the sum of Two Thousand (\$2,000.00) Dollars each, with good and sufficient security conditioned upon the faithful performance of their duties.

#### SECTION 6-a.

The present incumbents of said Board shall not be required to give new bonds, and their present bonds shall continue to be in full force and effect, and said present incumbents shall have, from and after the passage of this Act, all rights, powers and duties possessed by or delegated to and devolving upon the Board herein created.

#### SECTION 7

Be it further enacted by the authority aforesaid that in the event it is declared that said Board of Roads and Revenues shall on and after January 1, 1941, consist of only one man, the member so elected shall specify one regular day of each week, and the first Tuesday of each month in which he shall remain in his office at the Courthouse of said County, for the transaction of public business in connection with his office, and the remainder of the working time of each month, unless necessarily required for the transaction of public business in his office, shall be devoted to the personal supervision of laying out road work, investigation of roads and bridges or other public property, the measure and delivery of supplies to the convict camp, the direction and management of said camp or camps, and generally to the affairs of the County. He shall devote his entire time to the discharge of his duties, and during his incumbency in office shall not engage in any business enterprise or accept any other responsibility which would interfere with the discharge of his duties. Before entering upon the duties of his office, he shall take and subscribe to an oath for the faithful discharge of his duties as required herein, and shall enter into a bond in the sum of Ten Thousand (\$10,000.00) Dollars, with good and sufficient security, which bond shall be payable to and approved by the Ordinary of said County, and conditioned for the faithful discharge of the duties of his office and the faithful accounting for all property and funds coming into his hands by virtue of his office. He shall be paid in compensation for his services the sum of Fifteen Hundred (\$1500.00) Dollars per annum, payable monthly.

## SECTION 8.

Be it further enacted by the authority aforesaid and it is hereby enacted by authority of the same that the Ordinary of Murray County shall be the Clerk of said Board of Roads and Revenues at a salary of Twenty (\$20.00) Dollars per month. It shall be the duty of said Clerk to attend all meetings of the Board and to keep in well bound books, to be provided by the Board at the expense of the County, full and accurate records and minutes of all proceedings and transactions of said Board, and a book showing itemized accounts of all receipts and disbursements, to file in order of their dates all original bills and statements and claims rendered against the County, showing the approval for payment by the Board of Roads and Revenues, and to arrange and file any orders, petitions, applications, and other papers addressed to and belonging to the Board, and to issue and sign as Clerk all checks or warrants against the County funds and in the depository of County funds, in payment of approved bills and statements of monies due by said County, and all checks or warrants issued and signed must be countersigned by the Chairman of said board, which checks or warrants shall be numbered and stubbed and show for what purpose drawn, and recorded in proper disbursement docket. All books, papers, letters and documents showing the disbursement of any funds and the various transactions of the Board shall be kept by the Clerk of said Board in the office of said Clerk at the Courthouse in Murray County, and be subject to examination and inspection by any taxpayer at any time.

## SECTION 9.

Be it further enacted that it shall be the duty of the Clerk to post monthly, at some place in the Courthouse where it may be inspected by the public, an itemized statement of the financial condition of said County, showing in detail all funds paid into the County Treasury and from what source received; also showing in detail all disbursements made by said County; also showing an itemized statement of all accounts paid and showing who made the purchases. Such posted statement shall also show the balance on hand or the warrants outstanding.

## SECTION 10.

Be it further enacted that said Board of Roads and Revenues shall have authority to employ a competent Attorney-at-Law to advise the Board and represent the County in any litigation which may arise in which said County is a party. Said Board shall pay said County Attorney such compensation as may be agreed upon, not in excess of One Hundred Fifty (\$150.00) Dollars per annum, for his services in advising said Board.

## SECTION 11.

Be it further enacted by the authority aforesaid that said Board of Roads and Revenues may select some solvent bank in said County, as a depository of the County funds, which depository so selected shall receive all funds of the County, and disburse the same only on vouchers signed by the Chairman of said Board in event a three man Board is declared, or by the sole member in event a one man Board is

declared; except it may pay the jury script and court bailiff's hire, issued by the Clerk of the Superior Court, and orders drawn by the Judge of the Superior Court of said County. Such depository so selected shall keep a record of all funds of the County and make a report thereof once a month to said Board, free of charge to the County.

#### SECTION 12.

Be it further enacted that it shall be unlawful for the member of said Board, or members, in event a three man Board is declared and elected, to employ any person related to the member or any member within the fifth degree, either by blood or marriage, or to contract with such person or persons for any equipment, material or supplies, or for any work to be done on the public roads, bridges or other works of the County, except when bids are received for equipment, machinery or supplies, or for work to be done on the public roads, bridges or other works of the County, upon full specifications and due advertisements in regard thereto and a person related to the member or any member is the lowest bidder therefor.

#### SECTION 13.

Be it further enacted that it shall be unlawful for the member or members of said Board, the Clerk of the Board, Convict Warden, or any other person in the employ of Murray County, or any other person employed, either directly or indirectly, to have any financial interest in the purchase of goods, wares, merchandise, supplies, machinery or equipment purchased for said County; or to receive any bonus, percentage, gift or any other thing of value for the purchase of any article sold to said County or bought from said County by any person, firm, or corporation; or to accept any free trips, or free transpotations, or any other thing of pleasure or value from any person, firm or corporation who contemplates selling any article to the County of Murray or purchasing any article from the County of Murray.

#### SECTION 14.

Be it further enacted by the authority aforesaid that in event a one man Board is declared and a vacancy occurs in said office after the election of said Board by reason of death, resignation or otherwise, the affairs of said office shall be conducted by the Ordinary of said County, with all the authority and power of the Board, until his successor is elected and qualified, to be elected at a special election called by the Ordinary of said County, to be held within thirty days after death, resignation or other cause resulting in said vacancy. In the event a Board of three men is declared, and a vacancy occurs after the election of said members, all the powers and authority of said Board shall be exercised by the surviving members thereof, and the Ordinary of said County shall call an election to fill said vacancy within thirty days from the time said vacancy occurs.

#### SECTION 14-a.

In the event a vacancy occurs among the present incumbents on said Board, all the powers and authority of said Board shall be exercised by the surviving members thereof, and no election shall be held to fill said vacancy.

## SECTION 15.

Be it further enacted by the authority aforesaid that within thirty days after the passage and approval of this Act the Ordinary of Murray County shall call a special election to determine whether the salaries of the present incumbents on said Board shall remain the same as they are now or whether they shall be increased to Five Hundred (\$500.00) Dollars per annum for each member. The expense of said election shall be paid by Murray County. Ballots shall be furnished with the words "For increasing the salaries of each of the present members of the Board of Roads and Revenues to Five Hundred (\$500.00) Dollars per annum," and the words "Against increase in salary for each of the present members of the Board of Roads and Revenues." In the event a majority vote cast at said election shall determine that said salaries shall be increased to Five Hundred (\$500.00) Dollars, each of the present incumbents on said Board shall receive a salary of Five Hundred (\$500.00) Dollars per annum, payable monthly from May 1, 1939, to January 1, 1941. In the event a majority vote cast at said election shall determine that there shall be no increase in the salaries of the present incumbents on said Board, then the salaries of the present incumbents on said Board shall remain the same as existed prior to the passage of this Act.

## SECTION 16.

Be it further enacted by the authority aforesaid that if for any reason any section, provision or clause of this Act should be held invalid, then such decision shall not affect or destroy the validity of any other portion of this Act.

## SECTION 17.

All laws or parts of laws in conflict with this Act be and the same are hereby repealed.

By Mr. Pannell of Murray—

House Bill No. 614. A bill to be entitled an Act to amend an Act to consolidate and abolish the offices of the Tax Receiver and Tax Collector of Murray County; and for other purposes.

The following Senate amendments to House Bill No. 614, were read and agreed to:

The Senate moves to amend the Caption of House Bill No. 614, by adding after the words "Murray County, Georgia," the following words, to-wit: "To fix salary of such officer," the new caption to read as follows:

"A bill entitled an Act to amend an Act entitled an Act to consolidate and abolish the officer of Tax Receiver and Tax Collector of Murray County, Georgia, to fix salary of such officer; and for other purposes."

The Senate moves to amend caption to House Bill, No. 614, by adding after the words Murray County, Georgia, the following word, to-wit: To fix salary of such officer, the new caption to read as follows:

"A bill entitled an Act to amend an Act entitled an Act to consolidate and abolish the officer of tax receiver and tax collector of Murray County, Georgia, to fix salary of such officer, and for other purposes."

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time:

By Messrs. Key of Jasper and Sams of DeKalb—

House Bill No. 317. A bill to be entitled an Act to regulate the processing, manufacturing and sale of frozen desserts; and for other purposes.

Mr. Carrington of Barrow moved the previous question, the motion prevailed, and the main question ordered.

The following amendments to House Bill No. 317, were read and adopted:

Sams of DeKalb and Key of Jasper, move to amend House Bill No. 317, known as Frozen Dessert Bill, by amending:

Section 7 of said bill by adding to the Section the following words:

"No ice milk as defined in Sub-section H, of Section 1, of this Act, shall be sold or offered for sale in this State except in factory-filled containers or packages."

Sartain of Walker, moves to amend House Bill No. 317 by adding at the end of Section 1 the following:

Provided, however, that retail stores operating freezers of five (5) gallon capacity or less, for their sole use, shall not be subject to this provision.

Etheridge of Fulton moves to amend House Bill No. 317 as follows:

1. To amend Section 1, Paragraph C, by inserting after the words "milk products" a comma and inserting the words "for the purpose of this Act only", so that the Section will read as follows:

C. "Milk Products", for the purpose of this Act only, means pure, clean and wholesome cream, pure- sweet- cream- fat- butter, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, sweetened condensed skim milk, condensed skimmed milk, dried milk, dried skimmed milk.

Mr. Bynum of Rabun moves to amend House Bill No. 317 by adding after the last word in Section 5 thereof, the words as follows:

Provided that this Act shall not be effective in counties of a population of less than 20,000 people according to the United States Census of 1930.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

The roll call was ordered and the vote was as follows:

Voting in the affirmative were Messrs.:

Bloodworth	Griffin	McBride
Boyd of Greene	Gross of Stephens	McGraw
Candler	Gross of Washington	Merritt
Carmichael of Butts	Harden	Moore of Lumpkin
Claxton	Harrison of Jenkins	Morgan
Clements of Wheeler	Hill	Pierce
Corbett	Hinson	Pilcher
Davidson	Jackson	Roughton
Davis of Floyd	Jones of Richmond	Sams
Dean	Kendrick	Sapp
Dockery	Kennedy	Scott
Etheridge of Fulton	Key	Smiley
Etheridge of Houston	King	Smith of Henry
Evans of Laurens	Lanham	Stiles
Ferguson of Camden	Lanier	Thigpen of Glascock
Fowler of Douglas	Mankin	Tipton
Grice	Marshall	Turner

Those voting in the negative were Messrs.:

Aiken	Culpepper of Fayette	Greene
Allen	Culpepper of Mitchell	Guyton
Allison of Gwinnett	Curry	Harrison of Crawford
Allison of White	Davis of Coweta	Harvey
Almand	DeFoor	Henderson
Barlow	Dickerson	Herndon
Barrett	Douglass	Holtzendorff
Beck	Drake	Howard
Bell	Drinkard	Johnson
Bennett of Ware	Edwards of Taylor	Jones of Paulding
Binion	Elliott	Looper
Blease	English	Mason
Boyd of Cook	Evans of McDuffie	Maxwell
Branch	Flanders	McCracken
Bray	Ford	McDaniel
Brooks of Jackson	Forrester of Crisp	Middleton
Bruce	Forrester of Dade	Miller
Bynum	Foster	Mills
Carrington	Franklin of Bulloch	Mosley
Chappell	Franklin of Polk	Pannell
Cheney	Gaines	Parham
Clary	Gill	Parker
Clements of Calhoun	Goddard	Pharr
Cobb	Goolsby	Preston
Conner	Graham	Purdy
Cook	Grant	Ragan

Rawlins	Tate	Wells
Rountree	Thigpen of Evans	Whipple
Sabados	Thornton	Wiggins
Sanders	Tippins	Williams of Bacon
Sartain	Tomlinson	Williams of Ware
Strickland of Haralson	Trippe	Wohlwender
Summerour	Vickery	Wright
Sumner	Wages	Yeomans
Swindle	Warren	

Those not voting were Messrs.:

Ansley	Ennis, J. H.	Lovett
Atkinson	Ennis, Marion	McNall
Bennett of Clarke	Etheridge of Baker	Moore of Taliaferro
Blackshear	Ferguson of Sumter	Moss
Brooks of Oglethorpe	Fowler of Treutlen	Rees
Bush	Gavin	Reid
Campbell	Gowen	Rogers
Carmichael of Cobb	Grayson	Rossee
Carter	Hardman	Saunders
Clark	Hatchett	Simmons
Clements of Marion	Hayes	Smith of Schley
Connell	Joel	Strickland of Pierce
Coogler	Jones of Brantley	Terrell
Dallis	Kaigler	Whitaker
Daughtry	Kelley	Yawn
Easley	Kimbrough	
Edwards of Lowndes	Lewis	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 51, the nays 104,

The bill having failed to receive the requisite constitutional majority, was lost.

By Mr. Swindle of Berrien—

House Bill No. 309.

#### A BILL

To be entitled, and Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the City of Nashville, Berrien County, Georgia, to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia, for the purpose of refunding and retiring its existing bonded indebtedness due and unpaid as of November 1, 1936, and that which becomes due up to and including November 1, 1942; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said

bonded indebtedness that is due as of November 1, 1936, and that may become due as of November 1, 1942; to provide the terms of their issue; to provide for the submission of the amendment for ratification by the people; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, AND IT IS HEREBY ENACTED BY AUTHORITY OF SAME:

#### SECTION 1.

Article 7, Section 7, Paragraph 1, of the Constitution of Georgia is hereby amended by adding at the end thereof a new paragraph, in the following words, to-wit:

“And except that the City of Nashville of Berrien County, Georgia, may issue refunding serial bonds not in excess of the aggregate sum of \$28,000, for the purpose of refunding and retiring the bonded indebtedness of the City of Nashville outstanding, past due, and unpaid on November 1, 1936, in the sum of \$16,000, and the bonded indebtedness of said City of Nashville outstanding and which becomes due up to and including November 1, 1942, in the sum of \$12,000, and provided for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said bonds as they fall due, the proceeds of such refunding bonds so issued by the City of Nashville, Berrien County, Georgia, to be used exclusively for the purpose of paying and retiring said bonded indebtedness that is or may become due and unpaid as of November 1, 1936, and which said bonded indebtedness may become due and unpaid as of November 1, 1942. Said refunding bonds shall be issued when authorized by a vote of the mayor and council of the City of Nashville, Berrien County, Georgia, and shall be validated.

#### SECTION 2.

Be it further enacted that when said amendment is agreed to by two-thirds vote of the members of each house, with the “ayes” and “nays” therein, it shall be published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, “For ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Nashville, Berrien County, Georgia, to issue refunding bonds,” and all persons opposed to the adoption of said amendment shall have written or printed on said ballots the words: “Against ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Nashville, Berrien County, Georgia, to issue refunding bonds.” And if a majority of the electors qualified to vote for members of the General Assembly voting thereon shall vote for ratification thereof, when the results shall be consolidated as now required by law in election for members of the General Assembly, the said amend-

ment shall become part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation thereof as provided by law.  
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## SECTION 3.

Be it further enacted that all laws and parts of laws in conflict with this Act are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Conner	Greene
Allen	Cook	Grice
Allison of Gwinnett	Corbett	Griffin
Allison of White	Culpepper of Fayette	Gross of Washington
Almand	Curry	Harden
Ansley	Davidson	Harrison of Crawford
Barlow	Davis of Coweta	Harrison of Jenkins
Barrett	Davis of Floyd	Harvey
Beck	Dean	Hatchett
Bennett of Clarke	DeFoor	Hayes
Bennett of Ware	Dickerson	Henderson
Binion	Dockery	Herndon
Blackshear	Douglass	Hinson
Blease	Drake	Holtzendorff
Bloodworth	Drinkard	Howard
Boyd of Cook	Edwards of Taylor	Jackson
Boyd of Greene	English	Joel
Branch	Etheridge of Fulton	Jones of Brantley
Bray	Etheridge of Houston	Jones of Paulding
Brooks of Jackson	Evans of Laurens	Jones of Richmond
Brooks of Oglethorpe	Evans of McDuffie	Kelley
Bruce	Ferguson of Camden	Kendrick
Bynum	Ferguson of Sumter	Kennedy
Carmichael of Butts	Ford	Key
Carmichael of Cobb	Forrester of Dade	Kimbrough
Chappell	Franklin of Bulloch	King
Cheney	Franklin of Polk	Lanham
Clary	Gaines	Lewis
Claxton	Gill	Mankin
Clements of Calhoun	Goddard	Marshall
Clements of Wheeler	Gowen	Mason
Cobb	Graham	Maxwell
Connell	Grant	McBride

McCracken	Rossee	Thigpen of Evans
McDaniel	Roughton	Thigpen of Glascock
McGraw	Rountree	Thornton
Merritt	Sabados	Tippins
Miller	Sams	Tomlinson
Mills	Sanders	Trippe
Moore of Lumpkin	Sartain	Turner
Moore of Taliaferro	Saunders	Vickery
Morgan	Scott	Wages
Mosely	Smiley	Warren
Pannell	Smith of Henry	Wells
Parham	Stiles	Whitaker
Pharr	Strickland of Haralson	Wiggins
Pierce	Strickland of Pierce	Williams of Bacon
Preston	Summerour	Williams of Ware
Purdy	Sumner	Wohlwender
Ragan	Swindle	Wright
Rawlins	Tate	
Rees	Terrell	

Those not voting were Messrs.:

Atkinson	Ennis, Marion	Looper
Bell	Etheridge of Baker	Lovett
Bush	Flanders	McNall
Campbell	Forrester of Crisp	Middleton
Candler	Foster	Moss
Carrington	Fowler of Douglas	Parker
Carter	Fowler of Treutlen	Pilcher
Clark	Gavin	Rees
Clements of Marion	Goolsby	Rogers
Coogler	Grayson	Sapp
Culpepper of Mitchell	Gross of Stephens	Simmons
Dallis	Guyton	Smith of Schley
Daughtry	Hardman	Tipton
Easley	Hill	Whipple
Edwards of Lowndes	Johnson	Yawn
Elliott	Kaigler	Yeomans
Ennis, J. H.	Lanier	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 154, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Mr. Bennett of Clarke—

~~House Bill No. 184.~~ A bill to be entitled an Act to provide for the election of the Clerk of the Board of Commissioners of Roads and Revenues of the County of Clarke; and for other purposes.

The following Senate substitute to House Bill No. 184, was read:

An Act to amend an Act entitled "An Act to create a Board of Commissioners of Roads and Revenues for the County of Clarke; to prescribe the duties and powers thereof, and for other purposes," approved December 15, 1897, and the amendment to said Act approved August 18, 1913, providing for the election of the members of said Board of Commissioners by the qualified voters of the county; and for other purposes, so as to provide for the election of the Clerk of said Board of Commissioners by the qualified voters of said county; to provide for the qualifications, duties, compensation and terms of office of said Clerk; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that from and after the passage of this Act an Act entitled "An Act to create a Board of Commissioners of Roads and Revenues for the County of Clarke; to prescribe the duties and powers thereof; and for other purposes," approved December 15, 1897, as amended by an Act entitled "An Act to amend an Act entitled 'An Act to create a Board of Commissioners of Roads and Revenues for the County of Clarke; to prescribe the duties and powers thereof and for other purposes,' approved December 15, 1897, so as to provide for the election of the members of said Board of Commissioners by the qualified voters of the county; and for other purposes," be, and the same is hereby, amended as follows:

By striking Section 8 of the Act creating said Board of Commissioners, approved December 15, 1897, which reads as follows:

"Section 8. Be it further enacted by the authority aforesaid, That the Board of Commissioners shall elect their own clerk, with such pay as the board may allow, and it shall be the duty of said clerk to attend all meetings of the commissioners and keep, in a well bound book, to be provided at the expense of the county, full and accurate records and minutes of all their transactions; to file in order of their date all original orders and other papers, and to arrange and keep in order of their filing all petitions and applications and other papers addressed to said commissioners, and to record in a separate book all orders given or approved by said commissioners for the payment of money by the county treasurer; and all books, files and records by this Act required to be used or kept shall always be open at the county site for the inspection of any taxpayer of the county on demand," and substituting in lieu thereof the following:

"Section 8. Be it enacted by the authority aforesaid that there shall be a Clerk of said Board of Commissioners, who shall be an attorney at law, and it shall be the duty of said Clerk to attend all meetings of the Commissioners and keep, in

a well bound book, to be provided at the expense of the county, full and accurate records and minutes of all their transactions; to file in order of their date all original orders and other papers, and to arrange and keep in order of their filing all petitions and applications and other papers addressed to said Commissioners, and to record in a separate book all orders given or approved by said Commissioners for the payment of money by the county treasurer; and all books, files and records by law required to be used or kept shall always be open at the county site for the inspection of any taxpayer of the county on demand. The said Clerk shall be required to advise the Board of Commissioners as to the legality of all tax levies, appropriations, and other expenditures of county revenue, and to give such other legal advice to the Board of Commissioners as they may require, to represent said Board of Commissioners as they may require, to represent said Board in all litigation involving county matters, and to render the usual services customarily performed by county attorneys. The said Clerk is empowered to employ a stenographer and bookkeeper, the expense of which shall be borne by the county, and shall not exceed \$125.00 (one hundred and twenty-five dollars) per month. The said Clerk shall be elected by the qualified voters of the county at a special election to be called by the Ordinary of Clarke County not later than thirty days after the passage of this Act, in the same manner and under the same rules and regulations as elections for members of the General Assembly, the expense of said election to be paid in the same manner as elections of county officers, and shall hold office until January 1, 1943, and until his successor is elected and qualified; and the successor of said Clerk shall be elected at the general election to be held for state and county officers in the year 1942, and every four years thereafter, at the elections held for state officers, and the term of office shall be for four years from the first of January next succeeding the date of election. The compensation of said Clerk shall not be less than \$300.00 (three hundred dollars) per month, payable monthly by the Board of Commissioners. Should a vacancy occur in said office of Clerk, the same shall be filled as is now provided for filling vacancies in the Board of Commissioners of Roads and Revenues of Clarke County, Georgia.

“After the election above provided for the name of the candidate receiving the highest number of votes shall be certified to the Governor by the Ordinary of Clarke County and he shall be commissioned by the Governor.”

Section 2. This Act shall not become operative until the same has been approved by the qualified voters of Clarke County, Georgia, voting at an election to be called by the Ordinary of said county within thirty days after the approval of this Act by the Governor. Notice of said election shall be published in the newspaper in which are published the sheriff's advertisements of said county, once a week for two weeks prior to said election. Said election shall be held in the same manner, and under the same rules and regulations as are elections for members of the General Assembly in said county. All persons voting in favor of this Act becoming operative at said election shall have written or printed on their ballots the words “For election of a Clerk to the Board of Commissioners by the people”, and those voting in said election against this Act becoming operative shall have written or printed on their ballots “Against the election of a Clerk of the Board of Com-

missioners by the people." The returns of said election shall be canvassed by the Ordinary and he shall declare the result of the election. In the event that a majority of those voting in said election shall vote for the election of a Clerk of the Board of Commissioners by the people, this Act shall be of force and effect. Should a majority of those voting in said election vote against the election of a Clerk of the Board of Commissioners by the people, this Act shall be void and of no force.

Section 3. Be it further enacted by the authority aforesaid that on the date on which the referendum referred to in Section 8 is submitted to the qualified voters of Clarke County an election shall be held for the office of Clerk of the Board of Commissioners of Clarke County and all candidates for the office of Clerk of the Board of Commissioners of Clarke County shall file a written notice of their intention to become candidates in said election with the Ordinary of Clarke County at least twenty days before said election. The Ordinary of Clarke County is directed and authorized to print the ballots on which shall be placed the names of candidates for the office of Clerk of the Board of County Commissioners who have qualified with him as is heretofore provided. The candidate receiving the highest number of votes in the election so called shall be declared by the Ordinary as the Clerk of the Board of Commissioners of Roads and Revenues in case a majority of the qualified voters voting in said election vote for the election of the Clerk of the Board of Commissioners of Clarke County by the people and said candidate shall in such event take office as hereinbefore provided.

Section 4. Be it further enacted by the authority aforesaid that said clerk of the Board of Commissioners of Roads and Revenues of Clarke County shall not be permitted to engage in the general practice of law nor shall said Clerk accept any other employment than that provided for in this bill, except such employment as may be authorized by said Board of Commissioners of Roads and Revenues, which in the judgment of said Board is to the interest of the government of Clarke County.

Section 5. Be it further enacted by the authority aforesaid that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Mr. Joel of Clarke moved that further consideration of the bill and substitute be indefinitely postponed.

Mr. Bennett of Clarke moved that the House agree to the Senate substitute to House Bill No. 184.

Mr. Etheridge of Fulton moved the previous question, the motion prevailed.

On the motion to indefinitely postpone, Mr. Bennett of Clarke moved the ayes and nays, and the call was not sustained.

On the motion to indefinitely postpone, the ayes were 76, the nays 57.

The motion to indefinitely postpone prevailed.

Under the special and continuing order of business, established by the Committee

on Rules, the following bills of the House were taken up for consideration and read the third time:

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By Mr. Hinson of Jeff Davis—

House Bill No. 334. A bill to be entitled an Act to amend an Act to lay off and organize a new county out of portions of Appling and Coffee Counties; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 114, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Messrs. Allison of Gwinnett, Bynum of Rabun, Bruce of Troup and Lanham of Floyd—

House Bill No. 258. A bill to be entitled an Act to define Title Insurance, to provide a comprehensive method for the licensing and regulating of the business of title insurance; and for other purposes.

Mr. Campbell of Newton moved the previous question, the motion prevailed, and the main question ordered.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 116, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Messrs. Lewis and Wells of Burke—

House Bill No. 276. A bill to be entitled an Act prohibiting any person, firm or corporation, engaged in the purchase of junk, to enter upon the lands of another for the purpose of soliciting business or buying junk; and for other purposes.

Mr. Etheridge of Fulton moved the previous question, the motion prevailed, and the main question ordered.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 120, the nays 1.

The bill having received the requisite constitutional majority was passed.

The following Communications from His Excellency, the Governor, were submitted and read:

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State of Georgia  
Executive Department  
E. D. Rivers, Governor  
Atlanta

March 14, 1939.

The Honorable Roy V Harris, Speaker and  
Members of the Georgia House of Representatives.

Gentlemen:

I have this day vetoed House Bill No. 99 at the request of the author, the Honorable W. H. Jones, representative from Brantley County.

Respectfully submitted,

EDR-rbl

E. D. Rivers, Governor.

encl.

SEAL

State of Georgia  
Executive Department  
E. D. Rivers, Governor  
Atlanta

March 13, 1939.

Honorable E. D. Rivers,  
Governor.

Dear Governor:

One of your secretaries has called my attention to the fact that House Bill No. 99 is being opposed by some of my friends and many of yours. Due to this fact, also due to the fact that there was much said about the contents of this bill during the campaign, I will agree for you to veto this bill, but I have another bill that effects the Treasurer's Office. I think at least eighty per cent of the people are in favor and I sincerely hope you will see fit to sign the Treasurer's bill

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regardless of minor protest from some of your close friends. I think you and your friends should be willing to compromise on these issues.

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Yours sincerely,

(Signed) Harley,

W H. Jones,

Brantley County.

HJ-am

A TRUE COPY:

Downing Musgrove, Secretary,  
Executive Department.

State of Georgia  
Executive Department  
E. D. Rivers, Governor  
Atlanta

March 15, 1939.

Honorable Roy V Harris, Speaker, and  
Members of the House of Representatives.

Dear Mr. Speaker and Members of the House:

The Chairman of the Ways and Means Committee of the House, Honorable Henderson Lanham, and a group of other members of the House, have conferred with me with reference to the legislative situation.

They state to me that several of the House members held a voluntary meeting last night in an effort to agree upon some measure to provide funds for the imperative and immediate needs of the public school system and the Welfare Department. They state to me that it was the consensus of opinion at that meeting that the only possible measure that could be passed by the House at this session to provide these funds would have to be of a temporary nature.

They state to me that some of the members attending the meeting desire a message from me to the House with reference to my attitude toward calling an extraordinary session of the Assembly to pass a permanent revenue program later on in the event that at this session of the Assembly only a temporary revenue measure should be passed.

As I have previously stated, to consider calling an extraordinary session of the Assembly before the regular session of the Assembly has completed its work is obviously premature. I consider it the duty of all parties concerned to exert every effort to avoid the expense of an extraordinary session of the Assembly. In my

judgment, a permanent financing plan should be enacted instead of a temporary financing plan. Nevertheless, while I reiterate that it is premature to consider an extraordinary session at this time, and while I reiterate that the expense of such a session should be avoided, I am glad to again emphasize my desire to cooperate with the Assembly in any way possible. I have evidenced this desire in every way it can be evidenced; but co-operation is not a one way street. To merit co-operation one must give co-operation. If the Assembly is willing to reciprocate the co-operation I am giving the Assembly by the enactment of a financing plan, even only temporarily, despite the fact that the emergency would only be relieved and not solved, and if a majority of the members of each House of the Assembly evidences at any future date a willingness to permanently finance the program, I certainly would co-operate by calling them together in an extraordinary session and make it possible for them to do so.

I have publicly stated that there could be no question of the emergency for an extraordinary session in the event funds are not provided in this session for the schools, the old people, the insane, the sick, the counties, and the other governmental services. I have also said, and now repeat, that regardless of that emergency, unless a majority of the members of each branch of the Assembly can agree and meet the emergency, to have an extraordinary session would be futile and a needless expense of funds that are so sorely needed for these services. This is still my position. My position has been stated clearly heretofore, but I am glad to reaffirm it in this message.

I wish, in conclusion, to repeat that I am ready, willing and anxious at this time, or at any future time, to co-operate with the members of the General Assembly in financing this program, which has been approved by the people at the ballot box in three separate consecutive elections. And while I do not consider it the best plan to now finance the program temporarily and then go to the expense of an extra session to finance it permanently, I am willing to give my co-operation to that plan if that is the best that a majority of the members of the House are willing to do about it. Certainly, financing the program temporarily is better than not financing it at all.

Again may I emphasize that I will co-operate and back to the limit the General Assembly in anything it will do to finance the program, except doing nothing. Certainly, I do not propose to abandon this program so needed by the people of the State, and ordered by the ballots of the people of the State to be completed.

Respectfully submitted,

EDR:W

E. D. Rivers, Governor.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate insists on its amendments and calls for a committee of conference on the following bill of the House, to-wit:

By Messrs. Lanier, Harris and Jones of Richmond, Kendrick of Fulton and McNall of Chatham—

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House bill No. 49. A bill to amend an Act known as "The Unemployment Compensation Act" by making necessary provisions for correlating the operation of said law with the operation of the Railroad Unemployment Insurance Act; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. Culpepper of Fayette—

House Bill No. 637. A bill to create a State Division of Confederate Pensions and Records; to prescribe and limit the personnel; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the Senate, to-wit:

By Senators McCranie of the 48th and Dawson of the 2d Districts—

Senate Bill No. 73. A bill to amend an Act entitled "Public Assistance to the Aged" to provide for uniformity in the payment of pensions; and for other purposes.

By Senators Sanders of the 36th and Millican of the 52d Districts—

Senate Bill No. 142. A bill declaring the promulgation and adoption of rules of practice and procedure for the trial courts to be judicial functions; and for other purposes.

By Senator Brinson of the 42d District—

Senate Bill No. 217. A bill to amend the charter of the City of Summerville relative to candidates for office, registration and qualification of voters, etc.; and for other purposes.

By Senator Durden of the 10th District—

Senate Bill No. 224. A bill authorizing the Governor to assign and set apart the rentals of the W & A Railroad for a period of six years for a special treasury fund; and for other purposes.

By Senator Harrell of the 7th District—

Senate Bill No. 226. A bill to amend the Code of 1933 and the Motor Carrier Acts so as to place a limitation upon the capacity of motor vehicles transporting inflammable petroleum products on public highways; and for other purposes.

By Senators Smith of the 4th, Daves of the 14th and Cail of the 17th Districts—

Senate Resolution No. 57. A resolution that a State Road Survey Council of 18 members shall be established.

By Senators Lindsay of the 34th and Moore of the 47th Districts—

Senate Resolution No. 62. A resolution memorializing Congress to provide funds for business research.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House, to-wit:

By Messrs. Terrell and Blackshear of Hall—

House Bill No. 578. A bill amending an Act approved October 2, 1879, being an Act incorporating the town of Belton; and for other purposes.

By Messrs. Ford and Sumner of Worth—

House Bill No. 616. A bill amending an Act creating a new charter for the City of Sylvester so as to extend and enlarge the incorporate limits of said city; and for other purposes.

By Mr. Marion Ennis of Baldwin—

House Bill No. 626. A bill authorizing the Mayor and Aldermen to release certain property of the City of Milledgeville to the Board of Trustees of Georgia Military College; and for other purposes.

By Mr. Boyd of Greene—

House Bill No. 636. A bill to amend an Act entitled "An Act to incorporate City of Union Point, etc.;" and for other purposes.

By Mr. Easley of Whitfield—

House Bill No. 644. A bill to amend the charter of the City of Dalton; and for other purposes.

By Mr. Easley of Whitfield—

House Bill No. 645. A bill to repeal an Act incorporating the Town of Tunnel Hill in Whitfield County, Georgia, and all Acts amendatory thereto; and for other purposes.

By Mr. Easley of Whitfield—

House Bill No. 646. A bill amending the charter of the City of Dalton by zoning and planning said city; and for other purposes.

By Mr. Thornton of Elbert—

House Bill No. 650. A bill amending an Act providing a charter for the City of Elberton, approved December 19, 1896, and all Acts amendatory thereto, authorizing the city to procure group life insurance, accident or disability insurance for the benefit of the officers and employees of said City; and for other purposes.

By Mr. Ansley of Lee—

House Bill No. 670. A bill amending the charter of Leesburg so as to grant certain privileges to said town; and for other purposes.

By Mr. Tippins of Wilcox—

House Bill No. 675. A bill creating a Board of Roads and Revenues of Wilcox County; and for other purposes.

By Mr. Rawlins of Telfair—

House Bill No. 734. A bill amending an Act approved August 27, 1931, pages 566-574, Georgia Laws 1931 to provide the amount of fees to be charged by the Sheriff of Telfair County for dieting prisoners; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bills of the House, to-wit:

By Mr. Tippins of Wilcox—

House Bill No. 540. A bill to abolish the office of County Treasurer of Wilcox County; to provide for the designation of a county depository; and for other purposes.

By Mr. Boyd of Greene—

House Bill No. 721. A bill to be entitled an Act to create a new charter for the City of Greensboro; and for other purposes.

Mr. Gross of Stephens moved that the House recess for one hour.

The Speaker appointed as a Committee of Conference on House Bill No. 49, the Unemployment Compensation bill, to confer with a like Committee on the part of the Senate, the following members of the House, to-wit:

Messrs. Allen of Dougherty,  
Kendrick of Fulton, and  
Grayson of Chatham.

The Speaker announced the House recessed for one hour.

2:00 o'clock, P. M.

~~The Speaker called~~ the House to order.

Under the special and continuing order of business, established by the Committee on Rules, the following bills and resolution of the House were taken up for consideration and read the third time:

By Messrs. Kendrick and Etheridge and Mrs. Mankin of Fulton—

House Resolution No. 132-497 A. A resolution authorizing the Governor acting on behalf of the State of Georgia to sell a certain tract of land located on Murphy and Sylvan Road in City of Atlanta, now held by the State for the development of a Farmer's Market by the Agricultural Department; and for other purposes.

The following amendment to House Resolution No. 132-497 A, was read and adopted:

Mr. Jones of Brantley moves to amend House Resolution No. 132-497 A by adding at the proper place the following:

That the Governor shall advertise this property in at least two of the larger papers of the city for at least 60 days and ask for bids and shall accept the highest bid.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 103, the nays 2.

The bill having received the requisite constitutional majority was passed, as amended.

By Mr. Henderson of Irwin—

House Bill No. 420.

#### A BILL

To be entitled an Act To propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the City of Ocilla, Georgia, incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia, for the purpose of REFUNDING and retiring its existing bonded indebtedness due up to and including January 1, 1939, and shall become due up to and including January 1, 1943; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said bonded indebtedness that is or may become due and unpaid as of January 1, 1943; to provide the terms of their issue; to provide for the submission of the amendment for ratification by the people; and for other purposes.

## SECTION 1.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph in the following words, to-wit:

“And except that the City of Ocilla, Georgia, may issue refunding bonds not in excess of the aggregate sum of \$28,000.00 for the purpose of refunding and retiring any bonded indebtedness of said City of Ocilla outstanding, past due and unpaid on January 1, 1939, and any bonded indebtedness of said city outstanding and which becomes due up to and including January 1, 1943, and provide for the assessment and collection of a tax, annually, sufficient in amount to pay the principal and interest of said bonds as they shall become due; the proceeds of all such refunding bonds so issued by the City of Ocilla, Georgia, to be used exclusively for the purpose of paying off and retiring said bonded indebtedness that is now or may become due and unpaid as of January 1, 1943. Said refunding bonds shall be issued when authorized by a vote of the Mayor and Council of the City of Ocilla, Georgia, and shall be validated.”

## SECTION 2.

Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two thirds vote of the members of each House, with the “ayes” and “nays” thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said next general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words “For ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constituion, authorizing the City of Ocilla to issue refunding bonds”, and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words “Against ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Ocilla to issue refunding bonds”, and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof, when the results have been consolidated as now provided and required by law in election for members of the General Assembly, the said amendment shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, and the Governor shall make a proclamation therefor, as provided by law.

## SECTION 3.

All laws and parts of laws in conflict herewith be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

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Those voting in the affirmative were Messrs.:

Aiken	Ennis, Marion	Kelley
Allison of Gwinnett	Etheridge of Baker	Kennedy
Allison of White	Etheridge of Fulton	Key
Atkinson	Etheridge of Houston	Kimbrough
Barlow	Evans of Laurens	Lewis
Barrett	Evans of McDuffie	Looper
Beck	Ferguson of Camden	Lovett
Bell	Ford	Mankin
Bennett of Clarke	Forrester of Crisp	Marshall
Bennett of Ware	Forrester of Dade	Mason
Blackshear	Fowler of Douglas	Maxwell
Blease	Fowler of Treutlen	McBride
Bloodworth	Franklin of Bulloch	McCracken
Boyd of Cook	Franklin of Polk	McDaniel
Boyd of Greene	Gaines	McGraw
Branch	Gavin	McNall
Bray	Gill	Merritt
Brooks of Jackson	Goddard	Middleton
Brooks of Oglethorpe	Goolsby	Miller
Bynum	Gowen	Mills
Campbell	Graham	Morgan
Candler	Grayson	Mosely
Carmichael of Butts	Greene	Parham
Carmichael of Cobb	Grice	Parker
Carrington	Griffin	Pharr
Chappell	Gross of Stephens	Pierce
Cheney	Gross of Washington	Pilcher
Connell	Guyton	Preston
Conner	Harden	Purdy
Cook	Harrison of Crawford	Ragan
Curry	Harrison of Jenkins	Rawlins
Dallis	Harvey	Rees
Daughtry	Hatchett	Reid
Davidson	Henderson	Roughton
Davis of Coweta	Herndon	Sabados
Dean	Hinson	Sanders
DeFoor	Holtzendorff	Sartain
Drinkard	Howard	Scott
Easley	Jackson	Smiley
Edwards of Lowndes	Joel	Smith of Schley
Edwards of Taylor	Jones of Brantley	Stiles
Elliott	Jones of Richmond	Strickland of Haralson
English	Kaigler	Strickland of Pierce

Summerour	Tipton	Wells
Sunner	Turner	Wiggins
Swindle	Vickery	Williams of Ware
Terrell	Wages	Wohlwender
Thigpen of Glascock	Warren	Yeomans

Those not voting were Messrs.:

Allen	Dockery	Pannell
Almand	Douglass	Rogers
Ansley	Drake	Rossee
Binion	Ennis, J. H.	Rountree
Bruce	Ferguson of Sumter	Sams
Bush	Flanders	Sapp
Carter	Foster	Saunders
Clark	Grant	Simmons
Clary	Hardman	Smith of Henry
Claxton	Hayes	Tate
Clements of Calhoun	Hill	Thigpen of Evans
Clements of Marion	Johnson	Thornton
Clements of Wheeler	Jones of Paulding	Tippins
Cobb	Kendrick	Tomlinson
Coogler	King	Trippe
Corbett	Lanham	Whipple
Culpepper of Fayette	Lanier	Whitaker
Culpepper of Mitchell	Moore of Lumpkin	Williams of Bacon
Davis of Floyd	Moore of Taliaferro	Wright
Dickerson	Moss	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 144, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 742.

### A BILL

To be entitled an Act To propose to the qualified voters of the State of Georgia an amendment to Article VII, Section 7, Paragraph 1, of the Constitution of the State of Georgia, incorporated in the Code of 1933, as Section 2-5501, so as to authorize the City Council of Augusta to make temporary loans; to limit the aggregate amount of said loans outstanding at any one time, and to provide that said loans must be paid out of revenues received by the City of Augusta in the year in which said loans are made; to authorize the City Council of Augusta to issue notes or debt certificates for the retirement and payment of the deficit and current

indebtedness of the City of Augusta, and to provide the terms of their issue; to provide for the submission of the amendment for ratification by the people; and for other purposes.

#### SECTION 1.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same that Article VII, Section 7. Paragraph 1, of the Constitution of Georgia, which has been amended heretofore, shall be further amended by adding at the end thereof new paragraphs in the following words, to-wit:

“And except that the City Council of Augusta, in addition to the debts herebefore allowed, may make temporary loans between January 1st and December 31st of each year, to be paid out of the revenues received by the City in that year; said loans to be evidenced by promissory notes signed by the Mayor and Clerk of the City Council of Augusta and previously authorized by a majority vote of the City Council of Augusta, with the Mayor voting as provided by law and City ordinances, at any regular or called meeting and entered on the minutes of the City Council. The aggregate amount of said loans outstanding at any one time shall not exceed fifty (50%) per cent. of the total gross receipts of the City of Augusta from ad valorem taxes in the preceding year, and no new loans shall be made in any year until all loans made in previous years have been paid in full, provided, the failure to pay said loans out of the revenues received by the City in the year the loan is made shall not affect the obligation of the City Council of Augusta to pay the same.

And except also that the City Council of Augusta by a majority vote of the City Council, with the Mayor voting as provided by law and City ordinances, may issue notes or debt certificates not in excess of the sum of One Million (\$1,000,000.00) Dollars principal amount, to be executed by the Mayor and Clerk of Council for the retirement and payment of the deficit and current indebtedness of the City of Augusta, provided such issues shall be made on or before the first day of January next following the date of adoption and proclamation of this amendment. Such notes or debt certificates so issued shall mature in ten (10) annual equal amounts, beginning one year from date of issuance and maturing each year thereafter for a period of ten years. Said notes or debt certificates shall be issued and validated when authorized by a majority vote of the City Council of Augusta, with the Mayor voting as provided by law and City ordinances, and the City Council is hereby authorized and empowered to fix the rate of interest, the date of issuance and all other details incident to the validation, issuance, negotiation and sale of said notes or debt certificates”

#### SECTION 2.

Be it further enacted by the authority aforesaid that when said amendment shall be agreed to by two-thirds vote of the members elected to each of the two Houses, said amendment shall be entered on their journals, with the “ayes” and “nays” thereon, and shall be published in one or more newspapers in each Con-

gressional District in the State of Georgia for two (2) months previous to the time of holding the next general election, and said amendment shall, at the next general election, be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words: "For ratification of amendment to Article VII, Section 7, Paragraph 1, of the Constitution, authorizing the City Council of Augusta to make temporary loans, and authorizing the City Council of Augusta to retire the deficit and any current indebtedness"

And all persons opposed to the adoption of said amendment authorizing the City Council of Augusta to make temporary loans and to issue notes or debt certificates for the retirement and payment of the deficit and current indebtedness of the City of Augusta shall have written or printed on their ballots the words: "Against ratification of amendment to Article VII, Section 7, Paragraph 1, of the Constitution, authorizing the City Council of Augusta to make temporary loans, and authorizing the City Council of Augusta to retire the deficit and pay current indebtedness"; and if a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof, when the result shall be consolidated as now required by law in elections for members of the General Assembly, the said amendment shall become a part of Article VII, Section 7, Paragraph 1, of the Constitution of the State of Georgia, and the Governor shall make a proclamation thereof, and the City Council of Augusta, without further legislation, authority or vote, than that provided herein, shall be authorized to perform the Act or Acts embraced in such amendment.

### SECTION 3.

Be it further enacted by the authority aforesaid that all laws or parts of laws in conflict herewith shall be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Bennett of Ware	Carmichael of Butts
Allen	Blackshear	Carmichael of Cobb
Allison of Gwinnett	Blease	Cheney
Allison of White	Bloodworth	Clary
Ansley	Boyd of Cook	Claxton
Atkinson	Boyd of Greene	Clements of Wheeler
Barlow	Branch	Cobb
Barrett	Bray	Conner
Beck	Bynum	Cook
Bell	Campbell	Corbett
Bennett of Clarke	Candler	Culpepper of Mitchell

Curry	Harrison of Jenkins	Morgan
Dallis	Harvey	Pannell
Davidson	Hatchett	Parker
Davis of Coweta	Henderson	Pharr
Dean	Herndon	Pierce
DeFoor	Hill	Pilcher
Drinkard	Hinson	Preston
Easley	Holtzendorff	Purdy
Edwards of Taylor	Howard	Ragan
Elliott	Jackson	Rawlins
English	Johnson	Reid
Ennis, Marion	Jones of Brantley	Roughton
Etheridge of Baker	Jones of Richmond	Sabados
Etheridge of Fulton	Kaigler	Sanders
Evans of McDuffie	Kelley	Sapp
Ferguson of Camden	Kennedy	Sartain
Ferguson of Sumter	Key	Scott
Ford	Kimbrough	Smiley
Forrester of Crisp	King	Stiles
Forrester of Dade	Lanham	Strickland of Haralson
Foster	Lanier	Strickland of Pierce
Fowler of Douglas	Lewis	Summerour
Fowler of Treutlen	Looper	Sumner
Franklin of Bulloch	Lovett	Swindle
Franklin of Polk	Mankin	Thigpen of Glascock
Gavin	Marshall	Thornton
Gill	Mason	Tippins
Goddard	Maxwell	Tipton
Gowen	McBride	Tomlinson
Graham	McCracken	Turner
Grayson	McDaniel	Vickery
Greene	McGraw	Wages
Grice	McNall	Wells
Griffin	Merritt	Whitaker
Gross of Stephens	Middleton	Wiggins
Gross of Washington	Miller	Williams of Ware
Guyton	Mills	Wohlwender
Harden	Moore of Lumpkin	Yawn
Harrison of Crawford	Moore of Taliaferro	

Those not voting were Messrs.:

Almand	Bush	Clements of Calhoun
Binion	Carrington	Clements of Marion
Brooks of Jackson	Carter	Connell
Brooks of Oglethorpe	Chappell	Coogler
Bruce	Clark	Culpepper of Fayette

Daughtry	Harrison of Jenkins	Rogers
Davis of Floyd	Harvey	Rossee
Dickerson	Hatchett	Rountree
Dockery	Henderson	Sams
Douglass	Herndon	Saunders
Drake	Hill	Simmons
Edwards of Lowndes	Hinson	Smith of Henry
Ennis, J. H.	Holtendorff	Smith of Schley
Evans of Laurens	Howard	Tate
Flanders	Jackson	Terrell
Gaines	Johnson	Thigpen of Evans
Goolsby	Jones of Brantley	Trippe
Grant	Jones of Richmond	Warren
Hardman	Kaigler	Whipple
Hayes	Kendrick	Williams of Bacon
Joel	Mosely	Wright
Jones of Paulding	Moss	Yeomans
Kendrick	Parham	
Harrison of Crawford	Rees	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 150, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed.

The sub-committee appointed to study House Bill No. 446, Salary Reduction bill, offered the following Substitute, which was read:

#### A BILL

To be entitled an Act to require the directing official of each Department, Division, Bureau, or Agency of the State Government of Georgia to pay into a Special Fund of the State Treasury an amount each month, beginning April 1, 1939, equal to 12% of the respective department, division, bureau, or agency pay-roll, excepting salaries under \$126.00 per month, said 12% payment to be paid from funds allocated to salaries; to make it unlawful to increase any affected salary during continuance of this Act as a law; to provide that any vacancy must be filled at a salary not exceeding the salary paid the previous employee; to allocate said Special Fund to the Common School Fund for the sole purpose of paying the salaries due the common school teachers of the State of Georgia; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA  
AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME:

#### SECTION 1.

On and after April 1, 1939, the Directing Official of each Department, Division, Bureau or Agency of the State Government of Georgia shall pay into

a special fund of the State Treasury an amount each month, equal to 12% of the respective Department, Division, Bureau or Agency payroll as it stood on January 1, 1939, excepting salaries under \$126.00 per month. The 12% payment shall be paid from funds allotted to salaries.

#### SECTION 2.

In the event of a vacancy in any job or position held by any person paid out of State of Georgia funds, said vacancy shall be filled at a salary not to exceed the salary paid to the previous employee holding said position or job.

#### SECTION 3.

Said Special Fund is hereby expressly allocated to the common school fund for the sole purpose of paying the salaries due the common school teachers of the State of Georgia.

#### SECTION 4.

No salary affected by this Act shall be increased as long as this Act remains law.

#### SECTION 5.

All laws or parts of laws in conflict with this Act shall be, and the same are hereby repealed.

Mr. Etheridge of Fulton moved the previous question, the motion prevailed, and the main question ordered.

An amendment offered by Mr. Jones of Brantley was read and lost.

The sub-committee Substitute was adopted.

The report of the Committee which was favorable to the passage of the bill, was agreed to, by substitute.

On the passage of the bill, by substitute, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allison of White	Bush	Clements of Marion
Almand	Bynum	Connell
Ansley	Campbell	Conner
Barlow	Candler	Cook
Barrett	Carmichael of Butts	Corbett
Beck	Carmichael of Cobb	Culpepper of Fayette
Bell	Carrington	Culpepper of Mitchell
Blackshear	Chappell	Curry
Blease	Cheney	Dallis
Boyd of Cook	Clary	Davidson
Bray	Claxton	Davis of Coweta
Bruce	Clements of Calhoun	DeFoor

Dockery	Hayes	Pilcher
Drake	Henderson	Preston
Drinkard	Herndon	Purdy
Easley	Hill	Ragan
Edwards of Lowndes	Hinson	Rawlins
Edwards of Taylor	Holtzendorff	Rees
Elliott	Howard	Reid
English	Jackson	Roughton
Etheridge of Baker	Joel	Rountree
Etheridge of Houston	Johnson	Sanders
Evans of Laurens	Jones of Brantley	Sapp
Evans of McDuffie	Jones of Paulding	Sartain
Ferguson of Camden	Jones of Richmond	Smiley
Ferguson of Sumter	Kennedy	Smith of Schley
Ford	Key	Stiles
Forrester of Crisp	Kimbrough	Strickland of Haralson
Forrester of Dade	Lanham	Strickland of Pierce
Foster	Lanier	Summerour
Fowler of Treutlen	Lewis	Sumner
Franklin of Bulloch	Looper	Thigpen of Glascock
Franklin of Polk	Lovett	Thornton
Gaines	Marshall	Tippins
Gavin	Mason	Tipton
Gill	Maxwell	Tomlinson
Goddard	McBride	Turner
Goolsby	McDaniel	Vickery
Graham	McGraw	Wages
Grant	Merritt	Warren
Greene	Middleton	Wells
Griffin	Mills	Whipple
Gross of Stephens	Moore of Lumpkin	Wiggins
Gross of Washington	Morgan	Williams of Bacon
Guyton	Mosely	Williams of Ware
Harden	Pannell	Wohlwender
Harrison of Crawford	Parham	Wright
Harvey	Parker	Yawn
Hatchett	Pierce	Yeomans

Those voting in the negative were Messrs.:

Aiken	Clements of Wheeler	Grice
Allen	Daughtry	Harrison of Jenkins
Allison of Gwinnett	Dean	Kaigler
Atkinson	Ennis, Marion	Kelley
Bennett of Ware	Etheridge of Fulton	King
Boyd of Greene	Gowen	Mankin
Branch	Grayson	Pharr



8. House Bill No. 434. Unfair Sale and Advertisement.
9. ~~Senate Bill No. 144.~~ Co-operative Marketing Act. Regulations.
10. House Bill No. 601. Allowing the State of Georgia to collect its proportionate share of taxes on unredeemed property.
11. Senate Bill No. 3. Regulate boxing and sparring.
12. House Bill No. 602. Sale under tax executions and notice.
13. House Bill No. 652. Amend code by striking 1½ mills and substituting 3 mills.
14. House Bill No. 677. Amend Neill-Traylor Act in Dawson and Forsyth Counties.
16. House Bill No. 395. Purchase of school busses from lowest bidder.
17. House Bill No. 414. Right to charge exchange on checks.
18. House Bill No. 681. Economy Committee.
19. House Bill No. 332. State Certified Eggs.
20. House Bill No. 700. Division of State Parks.
22. House Bill No. 554. Reference to school census.
23. House Bill No. 759. Special Appropriation Bang's Disease.
24. House Bill No. 595. Special Appropriation Park's Division.
26. House Bill No. 649. Regulate primary elections.
27. House Bill No. 244. Appropriation to purchase books, Hall County.
28. House Bill No. 778. Licensing ambulance service.
29. House Bill No. 551. Advisory Board Act with Ordinary.
30. House Bill No. 381. Tax on occupation or business of abstract companies.
31. House Bill No. 603. Amend Section 92-5712 Code of Georgia of 1933 reference to proportionate part of tax personalty covered by fi. fa.
32. House Resolution No. 113-436 B. Appropriation to Robert Coleman.
33. House Bill No. 478. County Treasury Bill.
34. House Bill No. 814. Appropriation for the purpose of building National Guard Camp.
35. House Bill No. 812. Advisory Council.
36. House Bill No. 465. Reference to purchase of Bon Air Hotel, Augusta, Georgia.

37. House Bill No. 777 Reference to repealing an Act creating General Election.

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38. House Bill No. 749. Salary Buyers.

39. House Bill No. 244. Appropriation Hall County.

The Speaker shall have the right to call local constitutional amendments and general bills with local application at any time.

Respectfully submitted,

Gross of Stephens, Vice-Chairman.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The President of the Senate has appointed as a committee of conference on the part of the Senate to confer with a like committee on the part of the House, Senators Durden of the 10th District, Daves of the 14th District and Lindsay of the 34th District, on the following bill of the House, to-wit:

By Messrs. Harris, Lanier and Jones of Richmond, Kendrick of Fulton and McNall of Chatham—

House Bill No. 49. A bill to amend an Act known as "The Unemployment Compensation Act" by making necessary provisions for correlating the operation of said law with the operation of the Railroad Unemployment Insurance Act; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendment to the following bill of the Senate, to-wit:

By Senator Millican of the 52d District—

Senate Bill No. 62. A bill to amend an Act entitled an Act to provide that cities having a population of more than 150,000 shall furnish pensions; and for other purposes.

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time:

By Messrs. Harris of Richmond and Parker of Colquitt—

House Bill No. 591. A bill to be entitled an Act to continue the present rate of taxation on beer; and for other purposes.

Mr. Edwards of Lowndes moved the previous question, the motion prevailed, and the main question ordered.

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A Substitute offered by Mr. Elliott of Muscogee was read and lost.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 139, the nays 2.

The bill having received the requisite constitutional majority was passed.

By Mr. Jones of Richmond—

House Bill No. 799. A bill to be entitled an Act to amend Chapter 92-19, Title 92 of the Code of Georgia of 1933, entitled Public Revenue, by adding a new section to be known as 92-1915, so as to provide a tax for every peddler or traveling vendor; and for other purposes.

The following Substitute to House Bill No. 799, was read:

By Mr. Clements of Wheeler—

#### A BILL

To be entitled an Act to amend the General Tax Act of 1935 as set forth on pages 11 to 72 inclusive, Georgia Laws 1935, by adding a new section thereto, to provide for the payment by distributors of an occupation tax of one cent (1c) per gallon on gasoline in addition to all other occupation taxes on gasoline now provided by law; to provide for the allocation of the funds derived from said occupation tax to the payment of the salaries of the school teachers in the common schools of Georgia; to provide for the expiration date of said tax; to amend Section 27 of an Act of the General Assembly, approved March 30, 1937, Georgia Laws, 54-72;

BE IT ENACTED by the Georgia Assembly of the State of Georgia, and it is hereby enacted by authority of the same.

SECTION 1. That the General Tax Act of 1935, Georgia Laws 1935, pages 11 to 72 inclusive, be amended by adding a new section thereto to be appropriately numbered and to read as follows:

1. "There is hereby levied an occupation tax of one cent (1c) per gallon for each gallon of fuel as defined in Section 92-1401, 1933 Code of Georgia upon each distributor of such fuels who engages in such business in this State in the manner set out in Section 92-1402, 1933 Code of Georgia. This occupation tax of one cent (1c) per gallon upon distributors engaged in the business of handling such fuels in the manner set out in Section 92-1402, 1933 Code of Georgia shall be in addition to all other occupation taxes now imposed upon such distributors by law.

2. All funds derived under the terms of this Act are hereby specifically allocated and appropriated to the payment of the balance now due or which may

become due hereafter on the salaries of the school teachers in the common schools of Georgia for the present school year.

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3. That Section 27 of an Act approved March 30, 1937. Georgia Laws, 1937, 54-72, be and the same is hereby amended by adding to said section a new paragraph to read as follows:

The provisions of this section shall have no application to appropriations now existing for the payment of the salaries of the teachers in the common schools of Georgia for the present school year insofar as the proceeds of the tax herein levied, appropriated and allocated will pay said appropriation for said school teachers salaries.

4. The tax levied under this Act shall expire December 31, 1939, and the provisions of this Act shall become inoperative on said date."

SECTION 2. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

Mr. Carmichael of Cobb asked that Rule 153 be read.

The rule was read.

Mr. Carmichael of Cobb then made the point that the bill was the same bill as House Bill No. 435 and the substitute thereto which had previously been rejected by the House at this session and that this bill could not be considered by the House without a two-thirds vote of the House under Rule 153 and under the Constitution.

The Speaker ruled that this was not the same bill that had previously been acted on by the House and that Rule 153 and the Constitutional provisions referred to were not applicable and that the bill could be considered without a two-thirds vote of the House.

Mr. Carmichael of Cobb appealed from the ruling of the Chair.

On the appeal, Mr. Carmichael of Cobb moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Bennett of Ware	Carter
Allen	Blackshear	Cheney
Allison of Gwinnett	Bloodworth	Claxton
Almand	Boyd of Greene	Clements of Calhoun
Ansley	Branch	Clements of Marion
Atkinson	Brooks of Oglethorpe	Cobb
Barlow	Campbell	Connell
Beck	Candler	Conner
Bell	Carrington	Cook

Corbett	Harrison of Crawford	Pilcher
Culpepper of Mitchell	Harrison of Jenkins	Preston
Curry	Harvey	Purdy
Dallis	Hatchett	Rawlins
Daughtry	Hayes	Roughton
Davidson	Henderson	Rountree
Davis of Floyd	Herndon	Sabados
Dean	Hill	Sams
DeFoor	Holtzendorff	Sanders
Dockery	Howard	Sartain
Douglass	Jackson	Saunders
Drake	Joel	Scott
Edwards of Lowndes	Johnson	Smiley
Ennis, J. H.	Jones of Richmond	Smith of Henry
Ennis, Marion	Kelley	Stiles
Etheridge of Fulton	Kennedy	Strickland of Pierce
Etheridge of Houston	Key	Swindle
Evans of Laurens	Kimbrough	Terrell
Ferguson of Camden	Lanham	Thigpen of Evans
Ferguson of Sumter	Lanier	Thigpen of Glascock
Flanders	Lewis	Thornton
Foster	Mankin	Tipton
Fowler of Douglas	Marshall	Tomlinson
Fowler of Treutlen	Mason	Turner
Franklin of Bulloch	McCracken	Vickery
Gaines	McGraw	Warren
Gill	Merritt	Wells
Gowen	Middleton	Whipple
Graham	Moore of Lumpkin	Whitaker
Grayson	Moore of Taliaferro	Wiggins
Greene	Morgan	Williams of Bacon
Grice	Pannell	Williams of Ware
Griffin	Parker	Wohlwender
Gross of Stephens	Pharr	Yawn
Gross of Washington	Pierce	Yeomans

Those voting in the negative were Messrs.:

Blease	Ford	Maxwell
Bruce	Forrester of Crisp	McDaniel
Carmichael of Cobb	Goddard	Mills
Clements of Wheeler	Guyton	Parham
Davis of Coweta	Harden	Ragan
Drinkard	Hinson	Rees
Edwards of Taylor	Jones of Brantley	Smith of Schley
Elliott	Jones of Paulding	Summerour
English	King	Sumner
Evans of McDuffie	Lovett	Tippins

Those not voting were Messrs.:

Allison of White	Culpepper of Fayette	McNall
Barrett	Dickerson	Miller
Bennett of Clarke	Easley	Mosely
Binion	Etheridge of Baker	Moss
Boyd of Cook	Forrester of Dade	Reid
Bray	Franklin of Polk	Rogers
Brooks of Jackson	Gavin	Rossee
Bush	Goolsby	Sapp
Bynum	Grant	Simmons
Carmichael of Butts	Hardman	Strickland of Haralson
Chappell	Kaigler	Tate
Clark	Kendrick	Trippe
Clary	Looper	Wages
Coogler	McBride	Wright

By unanimous consent, verification of the roll call was dispensed with.

On the appeal, the ayes were 132, the nays 30.

The ruling of the Chair was upheld, as the sense of the House.

Mr. Carmichael of Cobb asked that Rules 95 and 103 be read and asked that the Speaker rule on the question.

The rules were read.

The Speaker ruled that the substitute to House Bill No. 799, was not the same bill, and had not been acted on by the House.

The Speaker read a decision of the Supreme Court to sustain his ruling, as follows:

199 South Eastern Reporter. Crisp v. Head, page 221.

"The main subject of the Act is taxation, and it is not unconstitutional as referring to more than one subject-matter merely because the previous statutes levying a tax on malt beverages may differ from the General Tax Act in the particulars stated. These differences do not constitute two different subject-matters, within the meaning of the constitution. See Richardson v. Johnson Furniture Co., 176 Georgia 28, 166 S. E. 662. In Clay v. Central Railroad and Banking Co., 84 Georgia 345, 10 S. E. 967, it was held in effect, that, although an amending statute may have different objects and purposes from those of the original, such differences do not render the Act obnoxious to that provision of the constitution prohibiting passage of any law which refers to more than one subject-matter. Such differences are mere "incidents" and do not constitute the main or controlling purpose and subject-matter. Stanley v. State, 135 Georgia 859 (2), 864, 70 S. E. 591."

The following amendment to House Bill No. 799 offered by Messrs. Corbett

of Atkinson, Harrison of Crawford, McGraw and Hatchett of Meriwether, Stiles of Fannin, Thigpen of Glascock, Allen of Dougherty, Allison of Gwinnett, Harvey of Upson, Jones of Richmond, Henderson of Irwin, Lanier of Richmond, Miller of Lanier, Lewis of Burke, Bell of Grady, Sapp of Coffee, Sartain of Walker, Dean of Rockdale, Graham of Brooks, Aiken of Bulloch, Harrison of Jenkins and Fowler of Treutlen, was read:

Mr. Corbett of Atkinson and others—

Moves to amend House Bill No. 799 by amending the caption of said bill by adding after the word "whatsoever" in the caption of said bill the following: "also to raise revenue by levying a tax on sales of merchandise in this State for the benefit of Dependent Children, Old Age Pensioners, Patients at the State Hospital at Milledgeville and the School for Mental Defectives at Gracewood, for the Patients at Alto Sanitorium, to aid the Blind, and for the payment of salaries of Teachers in the Public Schools of this State; to provide for the imposition and collection and distribution thereof, of the proceeds from the tax imposed upon retail sales, sales of tangible personal property as defined herein, and upon the use, storage, and consumption of certain tangible personal property as defined herein; to provide for the measurement, ascertainment, assessment and collection of said tax; to provide for exemptions from said tax; to provide penalties for violations hereof; to define certain terms as used herein; to provide for the administration and enforcement of this Act by the Commissioner of Revenue; to provide for said Commissioner of Revenue to make and issue rules and regulations governing the administration of this Act; to make an allocation or appropriation to the Department of Revenue for the administration of this Act; to provide for the use of tokens; to provide for a penalty for alteration of tokens; to forbid suspension of the tax or any part thereof, or any penalties attached thereto; to impose a tax upon the use of, or the consumption in this State of things purchased outside the State; to exempt certain farm products as enumerated herein; to make it unlawful for any person having administrative duties under this Act to divulge information concerning the business affairs of any person, except as authorized in the Act; to require the seller of the merchandise taxed under the provisions of this Act to collect and account for the tax; to provide for the collection from any person due the tax by execution by the Commissioner of Revenue; to provide for the correction of returns by the Commissioner; to provide for the payment of penalties and interest on delinquent taxes; to require the sellers of merchandise taxed under the provisions of this Act to keep books and to submit their books and records to examination; to exempt sales which cannot be constitutionally taxed and sales of articles and/or services on which an excise or sales tax is already imposed; to make it unlawful for any retailer to assume or absorb or offer to assume or absorb the tax imposed under this Act; to provide for a tax lien; to provide for refund on any tax erroneously collected by the Commissioner; to prohibit injunctions against the collection of said tax and penalties provided for under this Act and to provide that the taxpayers' remedy in defense to an execution issued by the Commissioner shall be by affidavit of illegality; to forbid the issuance of automobile license tag by the State until the tax on the sale of or the use of automobiles has been paid as is

herein provided; to make the violation of any of the provisions of this Act a misdemeanor, which misdemeanor shall be punished as provided in Section 27-2506 of the Georgia Code of 1933; to declare the provisions of this Act to be severable; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same:

Section 13. Definitions. The following words, terms and phrases when used in the following sections of this Act shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning.

(a) "Person" includes any individual, firm, co-partnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate; also the services of all utility companies, to-wit, all electric and light companies, telephone and telegraph companies, gas companies, railway companies, express companies, motor and bus companies, pullman companies, and all public service companies of every kind and description, and also any board, agency, instrumentality or other group or combination acting as a unit, and the plural as well as the singular number.

(b) 1. "Sale" means any transfer of title or possession, or both, the exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration, and shall also include the furnishing, preparing or serving for a consideration of any tangible property which may or may not be consumed on the premises of the person selling the same. Any transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the purchase price, shall be deemed a sale.

(b) 2. The word "sale" shall include all sales of admissions to athletic contests, except athletic contests engaged in by students of the public school system of this State. This exception shall not apply to any public schools of the State except grammar and high schools. The word "sale" shall also include tickets of admission to theaters, motion picture shows, opera shows, vaudeville shows, circuses, carnivals, and other amusements conducted for gain or profit where an admission fee is charged, also, dance halls, swimming pools, skating rinks, race tracks, golf courses, and any other place at which any exhibition, display, amusement, or entertainment is offered to the public where an admission fee is charged.

(c) 1. A "retail sale" or a "sale at retail" means a sale to a person for consumption or use.

(c) 2. The term "sale at retail" shall not include sales of materials for further processing into articles of tangible personal property for sale at retail, nor shall the term "sale at retail" include an isolated or occasional sale of tangible personal property by a person not engaged in such business.

(d) "Sale price" means the total amount for which tangible personal property is sold.

(e) "Lease" means the leasing or renting of tangible personal property and the possession or use thereof by the lessee for a consideration, without transfer of the title of such property.

(f) "Storage" means and includes any keeping or retention in this State of tangible personal property for use or consumption in this State or for any purpose other than for sale at retail in the regular course of business.

(g) "Use" means and includes the exercise of any right or power over tangible personal property incident to the ownership thereof, except that it shall not include the sale at retail of that property in the regular course of business.

(h) "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit, or advantage, either direct or indirect. The term "business" shall not be construed in this Act to include occasional and isolated sales or transactions by a person who does not hold himself out as engaged in business.

(i) "Retailer" means and includes every person engaged in the business of making sales at retail or for distribution, or use, or consumption, or for storage, to be used or consumed in this State; a wholesaler who sells to a consumer is classified as a retailer under this Act to the extent of such sale or sales.

(j) The term "Commissioner" means and includes the Commissioner of Revenue for the State of Georgia.

(k) "Tangible personal property" means and includes personal property which may be seen, weighed, measured, felt or touched, or is in any other manner perceptible to the senses, and upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this State, of electric energy, telephone and telegraph service, natural or artificial gas, service or rents by hotel companies, and all service for the transportation of passengers or freight.

Section 14. Penalty for use, possession, or tender of any counterfeit or altered token. Be it further enacted by the authority aforesaid that any person who shall pass, attempt to pass, or tender any counterfeit or altered token in payment of any tax due hereunder shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

Section 15. Tax levied. Be it further enacted by the authority aforesaid that there is hereby levied a tax upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this State, of each item or article of tangible personal property, as defined herein, and upon the lease or rental of such property, and upon the sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this State, of electric energy, telephone and telegraph service, natural or artificial gas, service or rents by hotel companies, and all service for the transportation of passengers or freight, within the State of Georgia, the amount of said tax to be as follows:

(a) At the rate of two per cent (2%) of the sales price of each item or article

of tangible personal property when sold at retail in this State; the tax to be computed on the total sales for the purpose of remitting the amount of tax due the State, and to include each and every retail sale.

(b) At the rate of two per cent (2%) of the proceeds derived from the lease or rental of tangible personal property, as defined herein, where the lease or rental of such property is an established business, or part of an established business, or the same is incidental or germane to the said business.

(c) At the rate of two per cent (2%) upon the use of all tangible personal property imported or caused to be imported into this State from other States or foreign countries and used in this State, in cases where the property so imported and used has not been already taxed as herein provided. The person using said property so imported shall pay the tax imposed by this Act on all articles of tangible personal property as imported and used, the same as if said articles had been sold at retail in this State; the use of said articles in this State shall be equivalent to a sale at retail and the tax herein imposed upon retail sales shall immediately become due and collected in the manner provided herein, provided there shall be no duplication of the tax in any event.

(d) Combined purchase in a store at any one trading period determines the total amount of tax due by the customer.

This Act shall not be construed to levy a tax upon any articles of tangible personal property imported into this State, which levy would be in violation of the provisions of the Federal Constitution, nor shall this Act be construed so as to levy a tax upon articles manufactured or sold in this State to persons, firms or corporations residing out of the State where said property is to be used or consumed outside the State of Georgia.

Section 16. Accrual of Tax. Be it further enacted by the authority aforesaid, that the aforesaid tax at the rate of two per cent (2%) of the retail sales price shall accrue at the time of the purchase.

Section 17. From Whom Collectible. Be it further enacted by the authority aforesaid, that the said tax shall be collected from the dealer, as defined herein, and paid at the time and in the manner hereinafter provided.

Section 18. Dealer to collect tax from purchaser or consumer. Be it further enacted by the authority aforesaid, that

(a) The tax herein levied on retail sales shall be collected by the dealer from the purchaser or consumer.

(b) Dealers shall, as far as practicable, add the exact amount of the tax imposed under this Act, or the average equivalent thereof, in conformity with the rules and regulations to be issued by the Commissioner of Revenue, to the sale price or charge, and when added, such tax shall constitute a part of such price or charge, and shall be a debt from the purchaser or consumer to the dealer until paid, and shall be recoverable at law in the same manner as other debts. Any

dealer who shall neglect, fail or refuse to collect the tax herein provided, upon any, every and all retail sales made by him, or his agents, or employees, of tangible personal property, which is subject to the tax imposed by this Act, shall be liable for and pay the tax himself. Any dealer who fails to collect the tax imposed by this Act shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 27-2506 of the Georgia Code of 1933.

(c) A person engaged in any business taxable under this Act shall not advertise or hold out to the public, in any manner, directly or indirectly, that he will absorb all or any part of the tax or that he will relieve the purchaser from the payment of all or any part of the tax. A person who violates this provision with respect to advertising shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

(d) The proceeds derived from the sale in this State of livestock, poultry, cotton, tobacco, peanuts, naval stores, and other farm products direct from the farm are exempted from the tax levied by this Act, provided that such sales are made directly by the producers. When such sales of livestock, poultry and other farm products are made to consumers by any person, as defined herein, other than producer, they are subject to the tax imposed by this Act.

Provided, however, that each and every agricultural commodity sold by any person, other than the producer, to any other person, as herein defined, who purchases not for direct consumption but for the purpose of acquiring raw product for use or sale in the process of preparing, furnishing or manufacturing such agricultural commodity for the ultimate retail consumer trade, shall be, and is, exempted from any and all provisions of this Act, including payment of the tax applicable to the sale, storage, use, transfer, or any other utilization or handling thereof, except when such agricultural commodity is actually sold as a marketable or finished product to the ultimate consumer, when the tax imposed by this Act shall apply, but in no case shall more than one tax be exacted.

The term "Agricultural commodity" for the purposes hereof, shall mean horticultural, viticultural, poultry, livestock, farm and range products and naval stores, and forest products in the unprocessed state.

Section 19. Articles, goods, etc., exempt from tax. Be it further enacted by the authority aforesaid:

(a) The taxes imposed by this Act shall not apply to the following: Sales of used articles taken in trade, or a series of trades, as a credit or part payment on the sale of a new article, provided the tax levied by this Act is paid on the sale of the new article. In interpreting this provision, the term "new article" shall be taken to mean the original stock in trade of the dealer, and shall not be limited to new manufactured articles. The original stock or article, whether it be a used article or not, shall be subject to the tax.

(b) With respect to sales of automobiles and all kinds of motor vehicles that are subject to tax by this Act, it shall be the duty of the dealer to give to the

purchaser at the time of the sale, a certificate or an affidavit, as may be determined by the Commissioner, signed by the dealer, in such form as may be prescribed by the Commissioner, which certificate or affidavit, shall show the serial number, motor number, type and model of motor vehicle, and whether or not the tax imposed by this Act has been paid. If the tax has not been paid because of the fact that the motor vehicle was taken in trade and is not subject to tax, then the dealer shall give to the purchaser a certificate or an affidavit signed by the dealer showing that the motor vehicle is not subject to tax. No automobile license shall be issued to any person until proof is submitted of the payment of the tax required by this Act. This applies to all vehicles whether purchased within or without the State.

(c) The sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this State, of the following tangible personal property is hereby specifically exempted from the tax imposed by this Act:

Water when delivered to consumers through mains, pipes or conduits; fertilizer and containers used for farm products when sold directly to the farmer.

There is also hereby specifically exempted from the tax imposed by this Act ship chandlers' supplies sold in this State for use or consumption in coastwise and foreign maritime commerce and materials sold or used in the repair of vessels engaged in coastwise and foreign maritime commerce.

(d) There is hereby specifically exempted from the tax imposed by this Act the following: Bagging and ties, cotton, whether in the form of lint cotton or seed cotton and whether baled or not or whether sold by the original producer or not.

(e) There is hereby specifically exempted from the tax imposed by this Act all medicines sold by prescription of physician, compounded or processed or blended by the druggist or physician, offering same for sale at retail.

Section 20. Procedure when dealer ceases business. Be it further enacted by the authority aforesaid:

(a) If any dealer liable for any tax, interest or penalty levied hereunder shall sell out his business or stock of goods or shall quit the business, he shall make a final return and payment within fifteen (15) days after the date of selling or quitting business. His successor, successors or assigns, if any, shall withhold sufficient of the purchase money to cover the amount of such taxes, interest and penalties due and unpaid until such time as the former owner shall produce a receipt from the Commissioner of Revenue showing that they have been paid.

Section 21. When taxes due and payable. Be it further enacted by the authority aforesaid:

(a) The taxes levied hereunder shall be due and payable monthly beginning on the first day of the month next following the date this Act takes effect; and for the purpose of ascertaining the amount of tax payable under this Act, it shall be the duty of all dealers, on or before the 20th day of the month following the month in which this tax shall become effective, to transmit to the Commissioner, upon

forms prescribed, prepared and furnished by him, returns, under oath, showing the total sales or purchases, as the case may be, arising from all sales or purchases taxable under this Act, during the preceding calendar month, or during the part of the preceding calendar month, running from the effective date of this Act to the end of such month; and thereafter, like returns shall be prepared and transmitted to said Commissioner by all dealers, on or before the 20th day of each month, for the preceding calendar month. Such returns shall show such further information as the Commissioner may require to enable him to correctly compute and collect the tax herein levied. Every dealer at the time of making the return required hereunder, shall compute and remit to the Commissioner the required tax due for the preceding calendar month.

(b) Proceeds from rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect thereto in accordance with such rules and regulations as the Commissioner may prescribe.

It is hereby declared to be the intention of this Act to impose a tax on the proceeds of all leases and rentals of tangible personal property in this State where the lease or rental is a part of a regularly established business, or the same is incidental or germane thereto.

(c) If the amount of tax due by the dealer is not paid on or before the date prescribed for its payment, there shall be collected, with said tax, interest upon said unpaid amount, at the rate of one per cent (1%) per month, or fractional part thereof, from the date prescribed for its payment until it is paid, and, in addition to the interest that may be so due there shall also be collected a penalty equivalent to 10% of the tax due, when such tax is not paid within thirty (30) days from the final date prescribed for its payment.

No person, board or official of the State of Georgia shall have the power or right to in anywise set aside, suspend, or alter the tax levied by this Act and the penalties provided herein for failure to pay said tax. Nothing herein contained shall interfere with the right of the Commissioner to adjust and settle claims of taxpayers that are in dispute as now provided by law.

The Commissioner, for good cause, may extend for not to exceed fifteen (15) days the time for making any returns required under the provisions of this Act.

(d) In the event any dealer fails to make a report and pay the tax as provided by this Act, or in case the dealer makes an incorrect report, or a report that is false or fraudulent, it shall be the duty of the Commissioner to make an estimate for the taxable period of the retail sales of such dealer, or of the proceeds from rentals or leases of tangible personal property by the dealer, and an estimate of the selling price of all articles of tangible personal property imported by the dealer for use or consumption or distribution or storage to be used or consumed in this State, and assess and collect the tax and interest, plus penalty, if such have accrued; the Commissioner shall issue an execution in the same manner in which executions are issued by him for the failure to pay taxes levied under the General Tax Act.

which execution shall be considered prima facie correct, and the burden to show the contrary shall rest on the dealer.

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(e) It shall be the duty of every dealer required to make a report and pay any tax under this Act, to keep and preserve suitable records of the sales or purchases, as the case may be, taxable under this Act, and such other books of account as may be necessary to determine the amount of tax due hereunder, and other information as may be required by the Commissioner; and it shall be the duty of every such dealer, moreover, to keep and preserve for a period of two years, all invoices and other records of goods, wares and merchandise or other subjects of taxation under this Act; and all such books, invoices and other records shall be open to examination, at all reasonable hours, by the Commissioner or any of his duly authorized agents.

In the event the dealer has imported the tangible personal property and he fails to produce an invoice showing the selling price of the articles as defined by this Act, which are subject to tax, or the invoice does not reflect the true or actual selling price, as defined herein, then the Commissioner shall ascertain, in any manner feasible, the true selling price and assess and collect the tax with interest, plus penalties, if such have accrued, on the selling price as determined by him.

In the case of the lease or rental of tangible personal property, if the consideration given or reported by the dealer does not, in the judgment of the Commissioner, represent the true or actual consideration, then the Commissioner is authorized to fix the same and collect the tax thereon in the same manner as above provided, with interest plus penalties, if such have accrued.

(f) For the purpose of collecting and remitting to the State the tax imposed by this Act, the dealer is hereby declared to be the agent of the State.

(g) In order to aid in the administration and enforcement of the provisions of this Act, and to collect all of the tax imposed by this Act, all wholesale dealers and jobbers of this State are hereby required to keep a record of all sales of tangible personal property made in this State, whether such sales be for cash or on terms of credit. The record required to be kept by all wholesale dealers and jobbers shall contain and include the name and address of the purchaser, the date of the purchase, the article purchased and the price at which the article is sold to the purchaser. These records shall be kept for a period of two years and shall be open to the inspection of the Commissioner or his duly authorized agents at all reasonable hours. The failure of any wholesale dealer or jobber in this State to keep such records, or the failure of any wholesale dealer or jobber in this State to permit an inspection of such records by the Commissioner or his duly authorized agents as aforesaid, shall be deemed a misdemeanor and upon conviction thereof punished as provided in Section 27-2506 of the Georgia Code of 1933, and the Commissioner shall have the right to petition the Judge of the Superior Court for an order requiring said wholesaler or jobber to produce his books and records for the inspection by the Commissioner or his duly authorized agents.

Section 22. Commissioner to determine method of collection of tax. Be it further enacted by the authority aforesaid:

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(a) That the Commissioner of Revenue shall administer and enforce the provisions of this Act and the collection of the tax imposed by said Act. He shall make such rules and regulations as he deems necessary for the administration of this Act, said rules and regulations not to be inconsistent with this Act or the Constitution of this State or of the United States.

(b) The Commissioner is directed to purchase tokens in an amount and denominations sufficient for the proper administration of this Act, and said tokens shall be purchased through the State Purchasing Agent after competitive bids have been duly called for and the lowest bidder has been ascertained.

Section 23. Commissioner authorized to examine books and records of all transportation companies operating in State. Be it further enacted by the authority aforesaid:

(a) For the purpose of enforcing the collection of the tax levied by this Act, the Commissioner is hereby specifically authorized and empowered to examine, at all reasonable hours, the books, records and other documents of all persons, transportation companies, agencies, or firms operating in this State, whether said companies, agencies or firms conduct their business by truck, rail, water, airplane, or otherwise, in order to determine what dealers, as provided in this Act, are importing or are otherwise shipping articles of tangible personal property which are liable for said tax. In the event said person, transportation company, agency or firm shall refuse to permit such examination of its books, records and other documents by the Commissioner as aforesaid, such shall be deemed a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933, and the Commissioner shall have the right to petition of the Judge of the Superior Court for an order requiring said person, transportation company, agency or firm to produce their books and records for inspection by the Commissioner or his duly authorized agents.

(b) Each dealer, as defined in this Act, shall secure, maintain and keep for a period of two (2) years, a complete record of tangible personal property received, used, sold at retail, distributed or stored, leased or rented, within this State by said dealer, together with invoices, bills of lading, and other pertinent records and papers as may be required by the Commissioner for the reasonable administration of this Act, and all such records shall be open for inspection by the Commissioner or his duly authorized agents at all reasonable hours. Any dealer subject to the provisions of this Act who shall violate this provision shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933, and the Commissioner shall have the right to petition the Judge of the Superior Court for an order requiring said dealer to produce his books and records for inspection by the Commissioner or his duly authorized agents.

Section 24. Procedure when returns not made by dealer before becoming delinquent. Be it further enacted by the authority aforesaid:

(a) If any dealer fails to make any such return, or refuses to permit an examination of his, the dealer's books, records, or papers, or to answer questions within the scope of an investigation of the Commissioner relating to the sale, use, consumption, distribution, storage, lease or rental of tangible personal property, the Commissioner may apply to the Superior Court of the County in which such dealer may reside or have his principal place of business, or to any judge thereof, for an order requiring such dealer to make such return, or requiring the dealer, his agents or employees, to answer any such questions or permit such examination; and the court, or any judge thereof, shall thereupon issue an order, upon such reasonable notice as shall be prescribed therein, to be served upon said dealer or the agents or employees of such dealer, directing him or them to testify and to produce such books, records and papers as may be required.

(b) At the time of transmitting the return required hereunder to the Commissioner, the dealer shall remit to him, therewith, the amount of the tax due under the applicable provisions of this Act, and failure to so remit such tax, shall cause said tax to become delinquent.

(c) All taxes, interest and penalties, imposed under this Act shall be paid to the Commissioner at the State Capitol at Atlanta, in the form of remittance required by him.

(d) Any dealer subject to the provisions of this Act, failing or refusing to furnish any return herein required to be made, or failing or refusing to furnish a supplemental return or other data required by the Commissioner, or who shall violate any other provision of this Act shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

(e) Any dealer required to make, render, sign or verify any return, as aforesaid, who makes a false or fraudulent return, with intent to evade the tax hereby levied, shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

(f) The venue of the prosecution arising under subsection (d) hereof, shall be in the County wherein the Act complained of was committed; and prosecutions arising under subsection (e) hereof, shall be instituted in the County where such return was verified.

(g) Any dealer who shall violate any other provision of this Act, punishment for which is not otherwise herein provided, shall be guilty of a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

Section 25. Delinquent tax executions: lien of tax. Be it further enacted by the authority aforesaid:

(a) If any tax or amount imposed by this Act, or any portion of such tax or amount is not paid within thirty days, after due, the same shall be considered delinquent, and the amount payable thereafter shall be the amount due with ten per centum (10%) for the first month and with interest of one per centum (1%)

per month until paid or collected and the Commissioner may, as soon as practicable thereafter, issue an execution under his official seal, directed to the sheriff of any county of the State, commanding him to levy upon and sell any real and personal property of the person owing the same, for the payment of the amount thereof, with the added penalties, interest, and the court cost which may accrue in the collection of the execution. Upon receipt of said execution by the sheriff he shall file the execution in the office of the Clerk of the Superior Court of the County of the defendant's residence, provided however, that in cases where the execution is issued against a nonresident, the execution may be filed with the Clerk of the Superior Court in any county where the nonresident has an agent or a place of business, and thereupon the Superior Court Clerk shall enter the execution upon the General Execution Docket, and upon entering the said execution upon the Docket, it shall become a lien upon all property of the defendant as other tax liens. Upon the levying of such execution by the sheriff or other levying officer of this State, the taxpayer shall have a right to file an affidavit of illegality to the execution so issued, which shall be tried in the same manner as affidavits of illegality to executions issued by the Superior Courts of this State are now tried.

(b) For the purpose of the enforcement of this Act and the collection of the tax levied hereunder, it is presumed that all tangible personal property subject to the provisions of this Act imported into this State or held in this State, by any dealer, is to be sold at retail, used or consumed, or stored for use or consumption in this State, or leased or rented within this State, and is subject to the tax herein levied.

Section 25. Commissioner authorized to establish system of permits.

Be it further enacted by the authority aforesaid:

(a) That in order to prevent the illegal importation of tangible personal property which is subject to tax, into this State, and to strengthen and make more effective the manner and method of enforcing payment of the tax imposed by this Act, the Commissioner is hereby authorized and empowered to put into operation a system of permits whereby any person or dealer, as defined by this Act, may import tangible personal property.

(b) The importation into this State of tangible personal property which is subject to the tax imposed by this Act for the purpose of avoiding the payment of the taxes provided in this Act, by truck, automobile, or other means of transportation other than a common carrier, shall be construed as an attempt to evade the payment of said tax and the same is hereby prohibited and said truck, automobile, or other means of transportation other than a common carrier shall be seized by the Commissioner or his agents and shall be subject to confiscation in the manner provided for in this Act.

(c) The Commissioner is hereby authorized in a summary proceeding, or by an action against the owner or operator of any truck, automobile or means of transportation other than a common carrier, used in the illegal importation of any article or articles of tangible personal property on which a tax is levied by this Act, and

on which said tax has not been paid, to demand the forfeiture and sale of the said truck, automobile or other means of transportation, together with the said taxable property, used in said illegal importation and transportation and in violation of this Act; said vehicle and goods being so transported shall be condemned in the same manner as goods and vehicles are now condemned under the provisions of the Cigar and Cigarette Tax Act of this State.

Section 26. Right of refund or reimbursement on returned purchases.

Be it further enacted by the authority aforesaid; that in the event purchases are returned to the dealer by the purchaser or consumer after the tax imposed by this Act has been collected or charged to the account of the consumer or user, the dealer shall be entitled to reimbursement of the amount of tax so collected or charged by him, in the manner prescribed by the Commissioner and in case the tax has not been remitted by the dealer to the Commissioner, the dealer may deduct the same in submitting his return. Upon receipt of a sworn statement of the dealer as to the amount of such refunds during the period covered by such sworn statement, which period shall not be longer than ninety (90) days, the Commissioner shall issue to the dealer an official credit memorandum equal to the net amount remitted by the dealer for such tax collected. Such memorandum may be accepted by the Commissioner or at full face value from the dealer to whom it is issued, in the remittance for subsequent taxes accrued under the provisions of this Act; provided however, that in no case shall the Commissioner make a credit memorandum for taxes paid on goods returned unless the Commissioner is satisfied that the amount of refund so claimed is true and correct.

The Commissioner shall design, prepare, print and furnish to all dealers, or make available to said dealers, all necessary forms for filing returns, and instructions to insure a full collection from dealers and an accounting for the taxes due, but failure of any dealer to secure such forms shall not relieve such dealer from the payment of said tax at the time and in the manner herein provided.

Section 27. Settlements to be made by Commissioner with State Treasurer. Be it further enacted by the authority aforesaid that all taxes collected under the provisions of this Act shall be paid to the Commissioner of Revenue. All monies collected under the provisions of this Act, less deductions and discounts which may be allowed, as authorized herein, shall be paid to the State Treasurer who shall distribute the funds in accordance with the provisions of this Act.

Section 28. Effective date. Be it further enacted by the authority aforesaid that this Act shall become effective April 1, 1939.

Section 29. Be it further enacted by the authority aforesaid that the taxes imposed under the provisions of this Act shall not apply to the sales of gasoline, cigars, cigarettes, malt beverages, alcoholic liquors and wines.

Section 30. Secrecy and Privacy of Records. Be it further enacted by the authority aforesaid that the same provisions relating to secrecy and privacy provided

by the income and intangible tax laws of the State of Georgia shall be applicable to the returns made, information furnished and taxes paid under this Act.

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Section 31. Penalty for Violation. Be it further enacted by the authority aforesaid that the violation of any provisions of this Act shall be a misdemeanor and upon conviction punished as provided in Section 27-2506 of the Georgia Code of 1933.

Section 32. To provide an Appropriation for the Administration of this Act. Be it further enacted by the authority aforesaid that five per cent (5%) of the total revenue collected under the provisions of this Act be and the same is hereby allocated or appropriated to the Department of Revenue for the expenses in the collection and the enforcement of the terms and provisions of this Act and the administration thereof. The Commissioner of Revenue is hereby authorized to employ agents and enforcement officers, including auditors and such clerical assistance as may be necessary in his opinion to collect the taxes imposed under this Act and carry out the provisions thereof.

Section 33. Use of net proceeds from the collection of Taxes under this Act.

Be it further provided by the authority aforesaid that the taxes in this Act be, and the same are hereby allocated and appropriated as follows:

Two-thirds ( $2/3$ ) of the net proceeds of this tax for each fiscal year is hereby set aside in a special fund in the State Treasury to the credit of the State Board of Education to be used by said Board for the sole purpose of paying any appropriation for the fiscal year made by the General Assembly of Georgia for salaries of teachers employed by the State in the Public School System where funds are not otherwise available to pay in full such appropriation, provided that no part of such fund shall be used except to pay in full the unpaid appropriation made by law for this purpose for each fiscal year.

One-third ( $1/3$ ) of the net proceeds of this Tax for each fiscal year is hereby set aside in special funds in the State Treasury each in the same proportion as each of the fixed sum appropriations made for paying old age pensions, for aid to the blind, for the benefit of dependent children, for the State institutions under control of the Public Welfare Department, and for the Tubercular Sanatorium at Alto bears to the total fixed sum appropriations each fiscal year for these purposes. The funds thus set aside in the State Treasury for these purposes shall be used for the sole purpose of paying any appropriation for the fiscal year made by the General Assembly of Georgia for these purposes where funds are not otherwise available to pay in full such appropriations, provided that no part of the fund shall be used except to pay the unpaid appropriations for these purposes made by law for each fiscal year.

Provided further, that should the amount of funds set up each fiscal year for the items of this Section be in excess of the amount needed to pay the appropriations for each fiscal year in full for the items named, the State Treasurer is hereby

authorized and directed to pay into the State General Fund the amount of the funds that are in excess of the full appropriations made by law for each fiscal year.

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Provided, however, the provisions for the distribution and use of the net proceeds of the tax derived under this Act, as set out in this Section, shall not become effective until after:

First, \$500,000.00 of the first net proceeds of this tax shall be set aside in a special fund in the State Treasury to the credit of the State Department of Public Welfare to be used for the sole purpose of paying any fixed sum appropriation for the fiscal year ending June 30, 1939, made by the General Assembly for the benefit of Milledgeville State Hospital where funds are not otherwise available to pay in full such appropriation, with the direction that the funds thus appropriated shall be used in liquidating the outstanding obligations of said institution.

Second; That from the first net proceeds of this tax there shall be set aside and appropriated in a special fund in the State Treasury to the credit of the State Board of Education an amount sufficient to pay in full the teachers' salaries for the year ending June 30, 1939, where funds are not otherwise available to pay in full such teachers' salaries as are now in force and effect. The funds thus provided shall be used solely for the purpose of paying teachers' salaries due for the year ending June 30, 1939, and immediately upon sufficient funds being set aside for this purpose the distribution of the net proceeds of this tax as provided in this Section shall be in force and effect.

Section 34. Be it further enacted, and it is hereby enacted by the authority aforesaid that the taxes levied under the provisions of this Act shall not be levied after January 1, 1940, but all taxes levied hereunder shall be levied from the effective date of this Act up until January 1, 1940. Any taxes which have accrued and have not been paid January 1, 1940, shall be due and collectible by the Commissioner of Revenue, and the expiration of the effective date of this Act shall not affect the provisions of this Act, herein providing for the collection of the taxes levied, and the Commissioner is authorized to proceed and collect the taxes which have accrued under this Act the same as if the tax had not expired.

Section 35. Constitutionality. Be it further enacted by the authority aforesaid, that if any section, subsection, sentence, clause or phrase of this Act be held invalid, such decision shall not affect the validity of the remaining portions of said Act. The General Assembly hereby declares that it would have passed this Act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be so declared invalid.

Section 36. Repealing Clause. Be it further enacted by the authority aforesaid that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Mr. Forrester of Crisp moved that the bill be printed.

On the motion the ayes were 41, the nays 64, and the motion was lost.

Mr. Forrester of Crisp moved that the House do now adjourn until tomorrow morning at 9:00 o'clock.

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On the motion to adjourn, Mr. Davis of Coweta moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Ansley	English	Maxwell
Barlow	Etheridge of Baker	Middleton
Blease	Evans of McDuffie	Mills
Bloodworth	Ferguson of Camden	Parham
Bruce	Ferguson of Sumter	Purdy
Candler	Ford	Sams
Clary	Forrester of Crisp	Sanders
Clements of Marion	Franklin of Bulloch	Smith of Schley
Clements of Wheeler	Franklin of Polk	Strickland of Haralson
Cobb	Gavin	Summerour
Cook	Goddard	Sumner
Davis of Coweta	Guyton	Thornton
DeFoor	Harden	Tippins
Dockery	Herndon	Tomlinson
Drinkard	Hinson	Wells
Edwards of Lowndes	Joel	Williams of Bacon
Edwards of Taylor	Jones of Paulding	Wohlwender
Elliott	Looper	

Those voting in the negative were Messrs.:

Aiken	Carter	Etheridge of Houston
Allison of Gwinnett	Cheney	Flanders
Almand	Claxton	Foster
Atkinson	Clements of Calhoun	Fowler of Treutlen
Barrett	Connell	Gaines
Beck	Conner	Gill
Bell	Corbett	Gowen
Bennett of Ware	Culpepper of Mitchell	Graham
Boyd of Cook	Curry	Grice
Boyd of Greene	Daughtry	Griffin
Branch	Davidson	Gross of Stephens
Brooks of Jackson	Davis of Floyd	Gross of Washington
Brooks of Oglethorpe	Dean	Harrison of Crawford
Bush	Douglass	Harrison of Jenkins
Bynum	Drake	Harvey
Campbell	Ennis, J. H.	Hatchett
Carmichael of Cobb	Ennis, Marion	Hayes
Carrington	Etheridge of Fulton	Henderson

Hill	Merritt	Scott
Holtzendorff	Miller	Smith of Henry
Howard	Moore of Taliaferro	Stiles
Jackson	Morgan	Swindle
Jones of Richmond	Pannell	Terrell
Kennedy	Pharr	Thigpen of Glascock
Key	Pierce	Tipton
Kimbrough	Pilcher	Turner
King	Preston	Vickery
Lanham	Rawlins	Warren
Lanier	Reid	Whipple
Lovett	Roughton	Whitaker
Mankin	Rountree	Wiggins
Marshall	Sabados	Williams of Ware
Mason	Sartain	Wright
McGraw	Saunders	Yawn

Those not voting were Messrs.:

Allen	Goolsby	Moss
Allison of White	Grant	Parker
Bennett of Clarke	Grayson	Ragan
Binion	Greene	Rees
Blackshear	Hardman	Rogers
Bray	Johnson	Rossee
Carmichael of Butts	Jones of Brantley	Sapp
Chappell	Kaigler	Simmons
Clark	Kelley	Smiley
Coogler	Kendrick	Strickland of Pierce
Culpepper of Fayette	Lewis	Tate
Dallis	McBride	Thigpen of Evans
Dickerson	McCracken	Trippe
Easley	McDaniel	Wages
Evans of Laurens	McNall	Yeomans
Forrester of Dade	Moore of Lumpkin	
Fowler of Douglas	Mosely	

By unanimous consent, verification of the roll call was dispensed with.

On the motion to adjourn, the ayes were 53, the nays 102, and the motion was lost.

Mr. Blease of Brooks moved that the House do now adjourn until tomorrow morning at 9:00 o'clock.

On the motion to adjourn, Mr. Blease of Brooks moved the ayes and nays, and the call was not sustained.

On the motion to adjourn, the ayes were 45, the nays 64, and the motion was lost.

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Mr. Clary of Columbia moved that the House do now adjourn until tomorrow morning at 9:00 o'clock, and the motion was lost.

Mr. Davis of Coweta moved that the bill be indefinitely postponed.

On the motion to postpone, Mr. Rawlins of Telfair moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Ansley	English	Maxwell
Barlow	Etheridge of Fulton	Mills
Blease	Evans of McDuffie	Morgan
Boyd of Cook	Ferguson of Camden	Pannell
Bruce	Ferguson of Sumter	Parham
Campbell	Forrester of Crisp	Pilcher
Candler	Franklin of Bulloch	Roughton
Carmichael of Cobb	Gavin	Sams
Clary	Goddard	Smith of Henry
Clements of Marion	Gowen	Smith of Schley
Clements of Wheeler	Guyton	Strickland of Haralson
Connell	Harden	Summerour
Cook	Hinson	Thornton
Davis of Coweta	Jones of Paulding	Turner
DeFoor	Kimbrough	Wells
Edwards of Lowndes	Lovett	Williams of Bacon
Edwards of Taylor	Mankin	Wohlwender
Elliott	Marshall	Wright

Those voting in the negative were Messrs.:

Aiken	Carter	Ennis, Marion
Allen	Claxton	Etheridge of Houston
Allison of Gwinnett	Clements of Calhoun	Flanders
Almand	Cobb	Ford
Beck	Conner	Foster
Bell	Corbett	Fowler of Treutlen
Bennett of Ware	Culpepper of Mitchell	Gaines
Blackshear	Curry	Graham
Boyd of Greene	Daughtry	Greene
Branch	Davis of Floyd	Grice
Brooks of Oglethorpe	Dean	Griffin
Bush	Dockery	Gross of Stephens
Bynum	Drake	Gross of Washington
Carrington	Ennis, J. H.	Harrison of Crawford

Harrison of Jenkins	Lanier	Stiles
Harvey	Looper	Sumner
Hatchett	Mason	Swindle
Hayes	McGraw	Tate
Henderson	Merritt	Terrell
Hill	Miller	Thigpen of Glascock
Holtzendorff	Moore of Taliaferro	Tipton
Howard	Pharr	Vickery
Jackson	Pierce	Warren
Joel	Preston	Whipple
Johnson	Purdy	Whitaker
Jones of Richmond	Rawlins	Wiggins
Key	Reid	Williams of Ware
King	Rountree	Yawn
Lanham	Sanders	

Those not voting were Messrs.:

Allison of White	Forrester of Dade	Mosely
Atkinson	Fowler of Douglas	Moss
Barrett	Franklin of Polk	Parker
Bennett of Clarke	Gill	Ragan
Binion	Goolsby	Rees
Bloodworth	Grant	Rogers
Bray	Grayson	Rossee
Brooks of Jackson	Hardman	Sabados
Carmichael of Butts	Herndon	Sapp
Chappell	Jones of Brantley	Sartain
Cheney	Kaigler	Saunders
Clark	Kelley	Scott
Coogler	Kendrick	Simmons
Culpepper of Fayette	Kennedy	Smiley
Dallis	Lewis	Strickland of Pierce
Davidson	McBride	Thigpen of Evans
Dickerson	McCracken	Tippins
Douglass	McDaniel	Tomlinson
Drinkard	McNall	Trippe
Easley	Middleton	Wages
Etheridge of Baker	Moore of Lumpkin	Yeomans

By unanimous consent, the roll call was verified.

On the motion to indefinitely postpone, the ayes were 54, the nays 86, and the motion was lost.

The following Committee reports were submitted and read:

Mr. Wells of Burke County, Chairman of the Committee on Public Library, submitted the following report:

Mr. Speaker:

Your Committee on Public Library have had under consideration the following resolution of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Resolution No. 198-823A. Do pass.

Respectfully submitted,

Wells of Burke, Chairman.

Mr. Lanham of Floyd County, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 821. Do not pass.

Respectfully submitted,

Lanham of Floyd, Chairman.

Mr. Lanham of Floyd County, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 25. Do pass.

House Bill No. 456. Do not pass.

Senate Bill No. 135. Do pass.

Respectfully submitted,

Lanham of Floyd, Chairman.

Mr. Clements of Wheeler County, Chairman of the Committee on Western and Atlantic Railroad, submitted the following report:

Mr. Speaker:

Your Committee on Western and Atlantic Railroad have had under consideration the following bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 172. Do pass.

Respectfully submitted,

Clements of Wheeler, Chairman.

By unanimous consent, the following bills and resolution of the House and Senate, favorably reported, were read the second time:

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By Mr. Evans of McDuffie—

House Bill No. 25. A bill to be entitled an act to limit the license tax on Chain Stores so that when only one store is owned it cannot be taxed as a chain store; and for other purposes.

By Mr. Edwards of Taylor—

House Resolution No. 198-823A. A resolution authorizing the State Librarian to furnish certain law books to Taylor County; and for other purposes.

By Senator Brown of the 4th District—

Senate Bill No. 135. A bill to be entitled an Act to amend Title 92 (Public Revenue) Division 1 (Sources of Revenue) Part IX (Income Taxes) of the Code of Georgia of 1933, as amended by Acts approved March 26, 1935, March 30, 1937, and December 29, 1937; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 172. A bill to be entitled an Act to aid the Western and Atlantic Railroad by the creation of a commission authorized to contract in the name and on behalf of the State of Georgia, for the construction, occupancy, use and maintenance of income producing buildings; and for other purposes.

By unanimous consent, the following bill of the House was placed on the calendar for the purpose of disagreeing to the unfavorable report of the Committee:

By Mr. Boyd of Cook—

House Bill No. 821. A bill to be entitled an Act to amend an Act entitled "Intangibles-Classification" by striking Section 11 thereof and substituting a new section, which deals with the question of distribution of revenues; and for other purposes.

By unanimous consent, the following Senate bills and resolution were read the first time and referred to the Committees:

By Senators McCranie of the 48th and Dawson of the 2nd Districts—

Senate Bill No. 73. A bill to be entitled an Act to amend an Act entitled "Public Assistance to the Aged" to provide for uniformity in the payment of pensions; and for other purposes.

Referred to Committee on Public Welfare.

By Senators Sanders of the 36th and Millican of the 52nd Districts—

Senate Bill No. 142. A bill to be entitled an Act declaring the promulgation and adoption of rules of practice and procedure for the trial courts of Georgia to be judicial functions; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senator Brinson of the 42nd District—

Senate Bill No. 217. A bill to be entitled an Act to amend the charter of the City of Summerville; and for other purposes.

Referred to Committee on Municipal Government.

By Senator Durden of the 10th District—

Senate Bill No. 224. A bill to be entitled an Act to amend an Act to authorize and empower the Governor to assign and set apart rentals of the Western and Atlantic Railroad, etc.; and for other purposes.

Referred to Committee on Western and Atlantic Railroad.

By Senator Harrell of the 7th District—

Senate Bill No. 226. A bill to be entitled an Act to amend the Code of 1933 of the State of Georgia, and the Motor Carrier Act of 1931 approved March 31, 1931, so as to place a limitation upon the capacity of motor vehicles transporting inflammable petroleum products in bulk on the public highways; and for other purposes.

Referred to Committee on Motor Vehicles.

By Senators Smith of the 24th, Daves of the 14th and Cail of the 17th Districts—

Senate Resolution No. 57. A resolution by the Senate and the House concurring that a State Road Survey Council of 18 members shall be established; and for other purposes.

Referred to Committee on State of Republic.

Mr. Harris of Richmond moved that the House do now adjourn until 9:00 o'clock tomorrow morning, the motion prevailed, and House Bill 799 went over until that time under the order of unfinished business.

Leave of absence was granted to Mr. Simmons of Decatur.

The Speaker announced the House adjourned until tomorrow morning at 9:00 o'clock.

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Thursday, March 16th, 1939.

The House met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

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

Aiken	Clements of Marion	Ford
Allen	Clements of Wheeler	Forrester of Crisp
Allison of Gwinnett	Cobb	Forrester of Dade
Allison of White	Connell	Foster
Almand	Conner	Fowler of Douglas
Ansley	Coogler	Fowler of Treutlen
Atkinson	Cook	Franklin of Bulloch
Barlow	Corbett	Franklin of Polk
Barrett	Culpepper of Fayette	Gaines
Beck	Culpepper of Mitchell	Gavin
Bell	Curry	Gill
Bennett of Clarke	Dallis	Goddard
Bennett of Ware	Daughtry	Goolsby
Binion	Davidson	Gowen
Blackshear	Davis of Coweta	Graham
Blease	Davis of Floyd	Grant
Bloodworth	Dean	Grayson
Boyd of Cook	DeFoor	Greene
Boyd of Greene	Dickerson	Grice
Branch	Dockery	Griffin
Bray	Douglass	Gross of Stephens
Brooks of Jackson	Drake	Gross of Washington
Brooks of Oglethorpe	Drinkard	Guyton
Bruce	Easley	Harden
Bush	Edwards of Lowndes	Hardman
Bynum	Edwards of Taylor	Harrison of Crawford
Campbell	Elliott	Harrison of Jenkins
Candler	English	Harvey
Carmichael of Butts	Ennis, J. H.	Hatchett
Carmichael of Cobb	Ennis, Marion	Hayes
Carrington	Etheridge of Baker	Henderson
Carter	Etheridge of Fulton	Herndon
Chappell	Etheridge of Houston	Hill
Cheney	Evans of Laurens	Hinson
Clark	Evans of McDuffie	Holtzendorff
Clary	Ferguson of Camden	Howard
Claxton	Ferguson of Sumter	Jackson
Clements of Calhoun	Flanders	Joel

Johnson	Morgan	Strickland of Haralson
Jones of Brantley	Mosely	Strickland of Pierce
Jones of Paulding	Moss	Summerour
Jones of Richmond	Pannell	Sumner
Kaigler	Parham	Swindle
Kelley	Parker	Tate
Kendrick	Pharr	Terrell
Kennedy	Pierce	Thigpen of Evans
Key	Pilcher	Thigpen of Glascock
Kimbrough	Preston	Thornton
King	Purdy	Tippins
Lanham	Ragan	Tipton
Lanier	Rawlins	Tomlinson
Lewis	Rees	Trippe
Looper	Reid	Turner
Lovett	Rogers	Vickery
Mankin	Rossee	Wages
Marshall	Roughton	Warren
Mason	Rountree	Wells
Maxwell	Sabados	Whipple
McBride	Sams	Whitaker
McCracken	Sanders	Wiggins
McDaniel	Sapp	Williams of Bacon
McGraw	Sartain	Williams of Ware
McNall	Saunders	Wohlwender
Merritt	Scott	Wright
Middleton	Simmons	Yawn
Miller	Smiley	Yeomans
Mills	Smith of Henry	Mr. Speaker
Moore of Lumpkin	Smith of Schley	
Moore of Taliaferro	Stiles	

Mr. Clary of Columbia, Acting-Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Reports of Standing Committees.
2. Second reading of bills, favorably reported.
3. Third reading and passage of local uncontested bills and resolutions of the House and Senate.

4. First reading and reference of Senate bills and resolutions.

Mr. Ferguson of Camden County, Chairman of the Committee on Corporations, submitted the following report:

Mr. Speaker:

Your Committee on Corporations have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 118. Do not pass.

Respectfully submitted,

Ferguson of Camden, Chairman.

Mr. Atkinson of Chatham County, Chairman of the Committee on General Judiciary No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 1 have had under consideration the following bills of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 89. Do pass, as amended.

Senate Bill No. 113. Do pass.

Senate Bill No. 137. Do pass.

Senate Bill No. 206. Do pass.

Respectfully submitted,

Atkinson of Chatham, Chairman.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following bills and resolutions of the House, to-wit:

House Bills Nos. 244, 322, 407, 414, 436, 446, 478, 554, 591, 607, 649, 677, 681, 694, 742, 754, 759, 760, 761, 803, 809, 810, 820, 822, 823.

House Resolutions Nos. 61-259B, 62-259C, 63-259D, 64-259E, 118-453A, 124-467A, 132-497A, 165-647A.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

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Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills of the House, to-wit:

House Bills Nos. 342, 690.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Bennett of Ware County, Chairman of the Committee on University System of Georgia, submitted the following report:

Mr. Speaker:

Your Committee on University System of Georgia have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 2. Do pass, as amended.

House Bill No. 37. Do not pass.

House Bill No. 52. Do not pass.

House Bill No. 398. Do not pass.

Respectfully submitted,

Bennett of Ware, Chairman.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolution of the House, to-wit:

By Mr. Brooks of Oglethorpe—

House Bill No. 284. A bill to prohibit the trapping or taking of foxes in certain counties of this State; and for other purposes.

By Messrs. Thigpen of Evans, Kennedy of Tattnall and Smiley of Liberty—

House Bill No. 301. A bill to amend a section of the Code relating to adding a road to the State Highway System by changing the direction to run through the counties of Evans, Tattnall and Liberty; and for other purposes.

By Messrs. Tipton and Scott of Thomas—

House Bill No. 486. A bill to provide for holding of four terms a year of the Superior Court of Thomas County; and for other purposes.

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By Mr. Wiggins of Dodge—

House Bill No. 664. A bill to amend an Act to abolish the office of Treasurer of Dodge County; and for other purposes.

By Mr. Howard of Long—

House Bill No. 687. A bill amending sections of the Act creating a Board of Commissioners of Roads and Revenues of Long County; and for other purposes.

By Messrs. Yawn and Wiggins of Dodge—

House Bill No. 711. A bill to amend an Act regulating the holding of primary elections of all political parties in Dodge County; and for other purposes.

By Mr. Kennedy of Tattnall—

House Bill No. 719. A bill to amend an Act creating a new charter for the City of Glennville by striking Section 5 thereof; and for other purposes.

By Mr. Atkinson of Chatham—

House Bill No. 738. A bill to revise, alter and amend the several Acts incorporating the Town of Tybee, now known as Savannah Beach; and for other purposes.

By Mr. Culpepper of Fayette—

House Bill No. 744. A bill to amend an Act incorporating the Town of Tyrone; and for other purposes.

By Mr. Moss of Gordon—

House Bill No. 758. A bill to incorporate the Town of Oakman; and for other purposes.

By Mr. Evans of McDuffie—

House Bill No. 784. A bill to provide the manner in which Justices of the Peace and Notaries Public, Ex-Officio Justices of the Peace, shall be compensated in criminal cases in McDuffie County; and for other purposes.

By Mr. Carmichael of Cobb—

House Resolution No. 197. A resolution calling upon the State of Georgia to move the "Old Locomotive, General" from Chattanooga to Kennesaw to be used as an exhibit in the Kennesaw Memorial Park.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Gowen of Glynn, Ferguson of Camden, Yeomans of Wayne and others—

House Bill No. 354. A bill to amend the Code sections which provide for an open season for hunting, so as to provide a different date for the commencement of the open season for the hunting of game in certain territory of this State; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute as amended by the requisite constitutional majority the following bills and resolutions of the House, to-wit:

By Messrs. Scott and Tipton of Thomas—

House Bill No. 672. A bill to authorize the City of Thomasville to create a City Authority by city ordinance; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate, to-wit:

By Senator Jordan of the 15th District—

Senate Bill No. 140. A bill proposing to the voters and amendment to the Constitution exempting industries engaged in the manufacture or processing of livestock, farm products from taxation for a period of five years; and for other purposes.

By Senators Brown of the 4th, Thrasher of the 27th and Brooks of the 8th Districts—

Senate Bill No. 179. A bill to amend an Act authorizing the Commissioner of Agriculture to promulgate rules and regulations in reference to the sanitation, distribution and transportation of fish and sea foods; and for other purposes.

By Senators Brown of the 4th, Thrasher of the 27th and Brooks of the 8th Districts—

Senate Bill No. 180. A bill to repeal Section 45-210 of the Code relating to license fees levied on commercial fishing boats by providing for an additional license on aliens or non-residents; and for other purposes.

By Senator Thrasher of the 27th District—

Senate Bill No. 190. A bill to amend the Code by requiring persons owning or leasing oyster beds to register with the Tide Water Commission a private mark; and for other purposes.

By Senator Thrasher of the 27th District—

Senate Bill No. 198. A bill to amend the Code by changing the open season during which shad may be taken from the waters of this State; and for other purposes.

By Senators Manning of the 39th and Spivey of the 16th Districts—

Senate Bill No. 210. A bill to amend an Act entitled an Act to promote public health, safety, morals and general welfare by prohibiting certain endurance contests; and for other purposes.

By Senators Smith of the 24th and Lindsay of the 34th Districts—

Senate Bill No. 218. A bill creating a public corporation known as the "Atlanta Produce Market Authority", authorizing the same to establish and maintain a wholesale produce market in the City of Atlanta; and for other purposes.

By Senator Redman of the 26th District—

Senate Bill No. 220. A bill amending Section 77-341 of the Code of Georgia relating to commutation of term of good behavior to convicts by the Superintendent of the Penitentiary; and for other purposes.

By Senator Causey of the 46th District—

Senate Bill No. 222. A bill authorizing the Ordinary or other official in charge of the fiscal affairs of the county to pay the premiums on surety bonds of tax officials; and for other purposes.

By Senator Warnell of the 1st District—

Senate Bill No. 225. A bill amending an Act entitled "Highway Mileage" and adding a certain road extending through the Counties of Bulkoch, Bryan and Liberty to the "Traylor-Neill Map"; and for other purposes.

By Senator Jordan of the 15th District—

Senate Bill No. 227. A bill abolishing the offices of Tax Receiver and Tax Collector in Wheeler County and creating the office of Tax Commissioner; and for other purposes.

By Senator Estes of the 35th District—

Senate Bill No. 229. A bill amending an Act entitled "Highway Mileage" so as to add a certain road beginning at Panthersville, DeKalb County and extending along the Decatur to McDonough State Coach Route, to the "Traylor-Neill Map"; and for other purposes.

By Senator Millican of the 52nd District—

~~Senate Bill No. 230~~ A bill amending Code Section 92-3715 of 1933 as amended by the Act approved March 31, 1937; and for other purposes.

By Senator Lindsay of the 34th District—

Senate Bill No. 231. A bill creating in the State Welfare Department a Division of Deaf Mutes; defining the duties of said Division; and for other purposes.

By unanimous consent, the following bills of the Senate, favorably reported, were read the second time:

By Senator Lindsay of the 34th District—

Senate Bill No. 2. A bill to be entitled an Act repealing an Act of 1935 defining the status of the Regents of the University System of Georgia, and property held by said Board; and for other purposes.

By Senators Brinson of the 42nd, Palmour of the 33rd and Howe of the 38th Districts—

Senate Bill No. 89. A bill to be entitled an Act creating the office of Judge Emeritus and providing for the appointment of Judges of the Court of Appeals thereto upon reaching the age of 70 years; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 113. A bill to be entitled an Act to amend Code Section 40-1608 of the Code of 1933 with reference to Assistant Attorney Generals; and for other purposes.

By Senators Howe of the 38th, Harrell of the 7th and Brinson of the 42nd Districts—

Senate Bill No. 137. A bill to be entitled an Act to prohibit Clerks and Ordinaries of this State, their deputies, employees and agents from drawing any deed, mortgage, conveyance or will, whether with or without charge; and for other purposes.

By Senators Spivey of the 16th, Harrell of the 7th, Brinson of the 42nd, Lindsay of the 34th, Causey of the 46th, Manning of the 39th and Howe of the 38th Districts—

Senate Bill No. 206. A bill to be entitled an Act to authorize and provide the effect of docketing, indexing and recording certified copies of petitions commencing proceedings under the Bankruptcy Act of the United States; and for other purposes.

By unanimous consent, the following bills of the House were read the third time and placed upon their passage:

By Mr. Whitaker of Appling—

House Bill No. 822. A bill to be entitled an Act to amend an Act creating and establishing a new charter for the City of Baxley; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the ayes were 106, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Mr. Harrison of Jenkins—

House Bill No. 820. A bill to be entitled an Act to create a new charter for the City of Millen, in the County of Jenkins; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

Mr. Sams of DeKalb moved that the House reconsider its action in passing the following bill of the House, and the motion prevailed.

By Mr. Campbell of Newton—

House Bill No. 816. A bill to be entitled an Act to amend an Act creating the City of Avondale Estates; and for other purposes.

By unanimous consent, House Bill No. 816 was withdrawn from further consideration.

Under the order of unfinished business, the following bill of the House was again taken up for consideration:

By Mr. Jones of Richmond—

House Bill No. 799. A bill to be entitled an Act to amend Chapter 92-19 (Title 92) of the Code of 1933, entitled "Public Revenue", by adding a new section to be known as 92-1915, so as to provide a tax for every peddler or traveling vendor; and for other purposes.

Further consideration of the amendment offered by Mr. Corbett of Atkinson, and others, was resumed:

On the Corbett amendment, Mr. Lanham of Floyd moved the previous question.

On the motion for the previous question, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Atkinson	Bloodworth
Allen	Beck	Boyd of Greene
Allison of Gwinnett	Bennett of Clarke	Branch
Almand	Blackshear	Brooks of Jackson

Bynum	Grayson	Merritt
Carmichael of Cobb	Greene	Miller
Carrington	Grice	Moore of Lumpkin
Cheney	Griffin	Moore of Taliaferro
Clark	Gross of Stephens	Morgan
Clary	Gross of Washington	Parker
Claxton	Harrison of Crawford	Pharr
Clements of Calhoun	Harrison of Jenkins	Pierce
Conner	Harvey	Preston
Corbett	Hatchett	Purdy
Curry	Henderson	Reid
Daughtry	Herndon	Rountree
Davidson	Holtzendorff	Sapp
Davis of Floyd	Jackson	Saunders
Dockery	Johnson	Scott
Drake	Jones of Richmond	Stiles
Ennis, J. H.	Kaigler	Swindle
Ennis, Marion	Kennedy	Terrell
Etheridge of Fulton	Key	Thigpen of Glascock
Etheridge of Houston	Lanham	Trippe
Forrester of Dade	Lanier	Vickery
Foster	Looper	Warren
Gaines	Mankin	Whipple
Goddard	Marshall	Whitaker
Goolsby	Mason	Wiggins
Gowen	McDaniel	Williams of Ware
Graham	McNall	Yawn

Those voting in the negative were Messrs.:

Allison of White	Evans of McDuffie	Ragan
Barlow	Ferguson of Camden	Rawlins
Barrett	Ferguson of Sumter	Roughton
Bell	Ford	Sabados
Bennett of Ware	Forrester of Crisp	Sams
Blease	Franklin of Bulloch	Sanders
Boyd of Cook	Guyton	Sartain
Bray	Harden	Smiley
Bruce	Hill	Strickland of Haralson
Carmichael of Butts	Hinson	Summerour
Clements of Wheeler	Howard	Sumner
Connell	Jones of Brantley	Thornton
Davis of Coweta	Jones of Paulding	Tipton
Dickerson	Maxwell	Tomlinson
Drinkard	McBride	Wohlwender
Edwards of Lowndes	Middleton	Yeomans
Edwards of Taylor	Mills	
English	Parham	

Those not voting were Messrs.:

Ansley	Etheridge of Baker	Mosely
Binion	Evans of Laurens	Moss
Brooks of Oglethorpe	Flanders	Pannell
Bush	Fowler of Douglas	Pilcher
Campbell	Fowler of Treutlen	Rees
Candler	Franklin of Polk	Rogers
Carter	Gavin	Rossee
Chappell	Gill	Simmons
Clements of Marion	Grant	Smith of Henry
Cobb	Hardman	Smith of Schley
Coogler	Hayes	Strickland of Pierce
Cook	Joel	Tate
Culpepper of Fayette	Kelley	Thigpen of Evans
Culpepper of Mitchell	Kendrick	Tippins
Dallis	Kimbrough	Turner
Dean	King	Wages
DeFoor	Lewis	Wells
Douglass	Lovett	Williams of Bacon
Easley	McCracken	Wright
Elliott	McGraw	

By unanimous consent, the roll call was verified.

On the motion for the previous question, the ayes were 93, the nays 52.

The motion prevailed.

The main question was ordered.

The following amendment to the Corbett amendment to House Bill No. 799 was read and adopted:

Culpepper of Fayette amends Corbett amendment for House Bill No. 799 as follows:

Amend Section 13, Paragraph (b) 1 by changing the period at the end of said Paragraph to a semi-colon and adding the following:

“and including the furnishing to a consumer, for a consideration, of the service or services and facilities of public utilities and public service corporations, as provided in Section 15 of this Act.” Provided, however, that this Section shall apply only to these utilities and corporations under the Public Service Commission.

Amend Section 15 by adding, after the word “Georgia” in Line 11 of said Section, Page 5, the following:

“provided, however, that the tax herein levied shall not apply to transactions in interstate and foreign commerce,”

Amend Section 18 by adding after the word "dealer" in the first line of said Section, Page 6, the words  
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"or seller"

Amend Section 19 (a), Page 7, by adding after the word "dealer" in the second line of said Section the words

"or seller"

Amend Section 18 (b), Page 7, by adding after the word "dealers" in the first line, the words

"or sellers"

Amend Section 18 (b), Page 7, by adding after the word "dealer" in Line 8, and after the word "dealer" in Line 12, the words

"or seller"

The following amendment to the Corbett amendment to House Bill No. 799, was read:

Evans of McDuffie, Drinkard of Lincoln, Rawlins of Telfair, Lovett of Laurens, Summerour of Bartow, Culpepper of Fayette, Elliott of Muscogee, Wohlwender of Muscogee, Forrester of Crisp, English of Lamar, Parham of Heard, Edwards of Lowndes, Connell of Lowndes, Carmichael of Cobb, Jones of Brantley, McBride of Montgomery move to amend the amendment by Corbett of Atkinson and others to House Bill No. 799, by adding a new section immediately before the repealing clause, to be appropriately numbered and to read as follows:

"Section —. Be it further enacted by the authority aforesaid that the tax mentioned in this Act shall not be collected until a referendum shall be held in the manner hereinafter prescribed, and unless a majority of those voting therein shall vote in favor of said tax. Said referendum shall be held within fifteen (15) days from time when this bill becomes law, throughout the entire State of Georgia, under the rules governing general elections, and to be held in every county of the State. The expense of said election shall be borne by the State, and the ballots shall be provided by the Governor and furnished to the Ordinaries of the various counties at least two days before said election. The various Ordinaries shall be empowered to appoint election managers in the precincts of his county. The Governor is hereby authorized to advertise said election in such daily and weekly newspapers as he deems proper, fixing the date thereof within the 15-day limit above provided for.

The ballots shall have printed thereon the words "For Temporary Sales Tax" and the words, "Against Temporary Sales Tax." The ballots which have the words "For Temporary Sales Tax" stricken out, erased or marked through shall be counted as against said tax, and those ballots which have the words, "Against Temporary Sales Tax" stricken out, erased, or marked through shall be counted as in favor of said tax.

The returns from the various counties shall be forwarded to the Secretary of

State within two days from the holding of said election and by the Secretary of State consolidated and the total final returns certified to the Governor by the Secretary of State within five days from holding of said election. If a majority of all who vote in said election cast their ballots in favor of said tax, said tax shall be collected; otherwise it shall not be collected. Those who were qualified to vote in the general election held in Georgia in November, 1938, shall be qualified to vote in this election and no others. It is hereby declared to be the intention of the General Assembly in enacting this law that no tax shall be collected under this Act until a majority of those voting in an election shall have voted for such tax."

On the adoption of the amendment by Mr. Evans of McDuffie, and others, Mr. Wohlwender of Muscogee moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Barlow	Evans of McDuffie	Mills
Barrett	Ferguson of Camden	Morgan
Bennett of Clarke	Ferguson of Sumter	Mosely
Binion	Ford	Pannell
Blease	Forrester of Crisp	Parham
Boyd of Cook	Franklin of Bulloch	Parker
Bray	Franklin of Polk	Pilcher
Bruce	Gavin	Ragan
Campbell	Gill	Rawlins
Candler	Goddard	Roughton
Carmichael of Butts	Goolsby	Sams
Carmichael of Cobb	Gowen	Sanders
Clary	Guyton	Sartain
Connell	Harden	Smiley
Cook	Hill	Smith of Schley
Culpepper of Fayette	Hinson	Strickland of Haralson
Davidson	Howard	Strickland of Pierce
Davis of Coweta	Jones of Brantley	Summerour
DeFoor	Jones of Paulding	Sumner
Drinkard	Kendrick	Thornton
Edwards of Lowndes	Kennedy	Tippins
Edwards of Taylor	King	Tomlinson
Elliott	Looper	Turner
English	Lovett	Wells
Etheridge of Baker	Maxwell	Williams of Bacon
Etheridge of Fulton	McBride	Wohlwender
Evans of Laurens	Middleton	Yeomans

Those voting in the negative were Messrs.:

Aiken	Allison of Gwinnett	Almand
Allen	Allison of White	Atkinson

Beck	Foster	McGraw
Bell	Fowler of Douglas	McNall
Bennett of Ware	Fowler of Treutlen	Merritt
Blackshear	Gaines	Miller
Bloodworth	Graham	Moore of Lumpkin
Boyd of Greene	Grayson	Moore of Taliaferro
Branch	Greene	Pharr
Brooks of Jackson	Grice	Pierce
Bush	Griffin	Preston
Bynum	Gross of Stephens	Purdy
Carrington	Gross of Washington	Reid
Carter	Harrison of Crawford	Rogers
Chappell	Harrison of Jenkins	Rossee
Cheney	Harvey	Rountree
Clark	Hatchett	Sabados
Claxton	Hayes	Sapp
Clements of Calhoun	Henderson	Saunders
Clements of Wheeler	Herndon	Scott
Conner	Holtzendorff	Stiles
Corbett	Jackson	Swindle
Culpepper of Mitchell	Joel	Terrell
Curry	Johnson	Thigpen of Evans
Dallis	Jones of Richmond	Thigpen of Glascock
Daughtry	Kaigler	Tipton
Davis of Floyd	Kelley	Trippe
Dean	Key	Vickery
Dickerson	Kimbrough	Warren
Dockery	Lanham	Whipple
Drake	Lanier	Whitaker
Ennis, J. H.	Mankin	Wiggins
Ennis, Marion	Marshall	Williams of Ware
Etheridge of Houston	Mason	Yawn
Flanders	McCracken	
Forrester of Dade	McDaniel	

Those not voting were Messrs.:

Ansley	Easley	Simmons
Brooks of Oglethorpe	Grant	Smith of Henry
Clements of Marion	Hardman	Tate
Cobb	Lewis	Wages
Coogler	Moss	Wright
Douglass	Rees	

By unanimous consent, the roll call was verified.

On the adoption of the amendment, the ayes were 81, the nays 106, and the amendment was lost.

An amendmennt offered by Mr. Cheney of Cobb was read and lost.

~~The following amendment~~ to the Corbett amendment was read and adopted: Corbett of Atkinson moves to amend amendment to House Bill No. 799, Section 32, by striking therefrom the figure Five (5%) Percent and inserting in lieu thereof the figure Three (3%) Percent wherever same may appear in said Section.

And further amends said substitute by adding a new section to be numbered 32 (a), and to read as follows:

Be it further enacted by the authority aforesaid, that the dealer as herein defined, who shall collect said tax, or such other person collecting said tax for and in behalf of the State as herein provided, shall be allowed Two (2%) Percent of the total revenue collected by said dealer for the collection of said tax and said dealer or such other person collecting said tax be, and he is hereby authorized to deduct said Two (2%) Percent aforesaid before remitting said tax to the State Revenue Commissioner, as provided herein.

And to amend the caption accordingly.

The following amendment offered by Mr. Boyd of Cook to House Bill No. 799, was read:

#### A BILL

To be entitled an Act to amend the General Tax Act of 1937 by adding thereto a new section to read as follows:

An Act to amend an Act entitled "Intangibles—Classification," approved December 27, 1937, Georgia Laws Extra Session 1937-38, Pages 156-170, by striking Section 11 of the Act which deals with question of distribution of revenues and substituting in lieu thereof a new section to be known as Section 11 which shall provide for the collection of all intangible taxes by the State Revenue Commissioner, and further that all monies so collected shall be deposited in the general fund of the State Treasury; and by striking Section 7 of the Act which provides for the exemption of stock in corporations organized under the Laws of the State of Georgia and substituting in lieu thereof a new section to be known as Section 7 which shall require the payment of the tax on stock in corporations organized under the laws of the State of Georgia; by adding a sub-section to Section 7 to be known as Section 7 (a) providing that all intangible property held in trust in another state for a resident of this State shall be subject to the provisions of this Act; by amending Section 3 (a) of the Act by striking the words and figures "ten cents (\$0.10)" and substituting in lieu thereof the words and figures "one dollar (\$1.00)"; by amending Section 3 (aa) by striking the words and figures "one dollar and fifty cents (\$1.50)" and substituting in lieu thereof the words and figures "three dollars (\$3.00);" by amending Section 3 (b) by striking the words and figures "three dollars (\$3.00)" and substituting in lieu thereof the words and figures "five dollars (\$5.00);" and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME:

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SECTION 1. That Section 11 of the Act entitled "Intangibles—Classification" (found on Pages 156 to 170 of Georgia Laws Extra Session 1937-38) be amended by striking said Section 11 which deals with the distribution of revenue and all sub-sections thereunder and substituting in lieu thereof the following:

"Section 11. The Revenue Commissioner is hereby authorized to collect, and enforce the collection of all intangible taxes due the State of Georgia, and all monies so collected by the Revenue Commissioner shall be deposited in the general fund of the State Treasury."

SECTION 2. Be it further enacted by the authority aforesaid that Section 7 of the Act be stricken and a new section substituted in lieu thereof to read as follows:

"Section 7. Intangible personal property owned, or irrevocably held in trust for the exclusive benefit of religious, educational and charitable institutions, no part of the net profit from the operation of which can inure to the benefit of any private person; the evidence of debt of the State of Georgia, its public institutions and its municipal corporations and subdivisions; and obligations of the United States Government are hereby exempt from the tax imposed by Section 3 of this Act. Nothing in this Act shall be construed to apply to shares of banks or banking associations, nor shall it be deemed to modify, amend or repeal the provisions of the property tax (including the franchise tax as applied to utility corporations) on property owned by a corporation organized under the Laws of Georgia or the capital stock (license) tax applying to corporations organized under the Laws of Georgia. The stock of all corporations, whether organized and chartered under the Laws of Georgia, or organized and chartered under the laws of another state and domesticated in Georgia are hereby made subject to the tax imposed under the provisions of this law. However, should any court of last resort determine that exemption of any property provided in this Act is unconstitutional or invalid, it is hereby declared the legislative policy that this Act would have been passed had not such unconstitutional or invalid exemption been incorporated. The General Assembly hereby subjects such intangible personal property to the tax under this Act."

SECTION 3. Be it further enacted by the authority aforesaid that a new sub-section be added to Section 7, to be known as Section 7 (a), to read as follows:

"Section 7. (a) All intangible property that is held in trust in another state for a person who is a resident of this State is hereby made subject to the provisions of this Act and taxable accordingly."

SECTION 4. Be it further enacted by the authority aforesaid that Section 3 (a) of the Act be amended by striking the words and figures "ten cents (\$.10)" and substituting in lieu thereof the words and figures "one dollar (\$1.00)" so that said Section when amended shall read as follows:

"Section 3. (a) A property tax is hereby levied for the year 1939 and annually thereafter at the rate of one dollar (\$1.00) on each one thousand dollars (\$1,000) of the fair market value of all money averaged as of the first day of July, October, January and April, without deduction of any indebtedness or liability of the taxpayer."

SECTION 5. Be it further enacted by the authority aforesaid that Section 3 (aa) of the Act be amended by striking the words and figures "one dollar and fifty cents (\$1.50)" and substituting in lieu thereof the words and figures "three dollars (\$3.00)" so that said Section when amended shall read as follows:

"Section 3. (aa) A property tax is hereby levied for the year 1939 and annually thereafter at the rate of three dollars (\$3.00) on each one thousand (\$1,000.00) dollars, of the fair market value of all notes or other obligations insured by the Federal Housing Administration and of all notes or other obligations representing loans, secured by real estate, made by State building and loan associations and Federal savings and loan associations for the purpose of financing of homes, as of the average of the first day of July, October, January and April.

SECTION 6. Be it further enacted by the authority aforesaid that Section 3 (b) of the Act be amended by striking the words and figures "three dollars (\$3.00)" and substituting in lieu thereof the words and figures "five dollars (\$5.00)" so that said Section when amended shall read as follows:

Section 3. (b) A property tax is also hereby levied for the year 1939 and annually thereafter at the rate of five dollars (\$5.00) on each one thousand dollars (\$1,000) of the fair market value of all other intangible-personal property as of the average of the first day of July, October, January and April (than that subject to tax under Sub-section (a) and (aa)), without deduction of any indebtedness or liability of the taxpayer; provided, however, that this tax shall not apply to those classes of intangible personal property explicitly excluded under the terms of Section 2 of this Act."

SECTION 7. Be it further enacted by the authority aforesaid that all Clerks of Superior Courts of this State be required to make a monthly report to the Department of Revenue of all notes and mortgages recorded in their respective counties.

SECTION 8. Be it further enacted by the authority aforesaid that all laws and parts in conflict with this Act be and the same are hereby repealed.

The following amendment offered by Strickland of Haralson, Forrester of Crisp, McBride of Montgomery and Tippins of Wilcox, to House Bill No. 799, was read:

## A BILL

To be entitled an Act to amend the General Tax Act of 1935 by adding a new section, to-wit, as follows:

An Act to be known as the "Luxury or Non-essentials Tax Act," to define luxuries or non-essentials as those commodities and services hereinafter enumerated, the use of which is a luxury and is non-essential as a necessity for life, and to provide for the levy and collection of a tax on the sale and use of luxuries and to provide for the levy and collection of a tax on non-essentials hereinafter enumerated and defined; to provide for the method of collecting the tax levied under this Act; to provide against evasion of the taxes herein imposed; to provide for rules and regulations for the enforcement of the provisions of this Act and for the collection of the taxes levied thereby; to provide for penalties and for seizure, forfeiture and the sale of contraband goods or articles held, owned or possessed in violation of this Act, and for the filing, trial and settlement of claims respecting the same; to appropriate the revenue collected from this Act; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia and it is hereby enacted by the authority of same.

## SECTION 1

That luxuries or non-essentials taxed by this Act are hereby defined as follows:

## LUXURIES:

(a) Bottled Drinks. The words "bottled drinks" for the purpose of this Act shall be defined and includes any and all beverages, either carbonated or not, such as soda water, Nu-grape, Coca-Cola, Lime Cola, Pepsi-Cola, Dr. Pepper, Ne-hi, Royal Crown Cola, Double Cola, bottled carbonated water, ginger ales, or any and all bottled preparations commonly referred to as soft drinks of whatsoever kind and description. Soft drinks are further defined to include any and all beverages commonly referred to as soft drinks which are manufactured without the use of any syrup. Provided that the provisions of this Act shall not apply to unadulterated vegetable or fruit juices in original state, or to raw milk, unmixed and in its original state.

(b) Syrup or syrups. The words "syrup or syrups" shall be defined for the purpose of this Act as being the compound mixture or basis ingredients used in the making, mixing or compounding of soft drinks at soda fountains by mixing the same with carbonated or plain water, ice, fruit, milk or any other products suitable to make vendable soft drinks, among such syrups being coca cola syrup, chero cola syrup, lemon syrup, vanilla syrup, cherry smash syrup, nu-grape syrup, Dr. Pepper syrup, royal crown cola syrup, and all prepared syrups sold or used whether or not similar to those enumerated herein, manufactured or sold for the purpose of making soft drinks at soda fountains.

## NON-ESSENTIALS:

(c) Theaters, opera houses, motion picture shows, vaudevilles, amusement

parks, athletic contests (including wrestling and boxing), football games, baseball games, basketball games, tennis games, skating rinks, race tracks, golf courses, public dance halls, public bathing places, where an admission fee is charged and collected.

(d) The term "distributor" shall be defined for the purpose of this Act as including every person charged under this Act with the duty of paying tax or taxes herein imposed.

(e) The term "retailer" shall be defined for the purpose of this Act as one engaged as a merchant in selling personal property not intended for resale.

(f) The term "manufacturer" is defined for the purpose of this Act in the usual sense of a person who fabricates or compounds commodities in such way as to add to their value. It includes those who operate as bottlers.

## SECTION 2.

There is hereby levied in addition to all other taxes of every kind now imposed by law which are not specifically repealed by this Act, upon every person, firm, corporation, club or association, within the State of Georgia, who sells and/or stores, and/or receives for the purpose of distribution to any person, firm, corporation, club or association within the State of Georgia, soft drinks, bottled carbonated or sparkling water and soft drink syrups, and non-essentials as defined in this Act, the following tax, to-wit:

(a) Bottled drinks containing plain or carbonated water and including all bottled carbonated or sparkling water—ten per cent (10%) of the retail sale price thereof. Provided further that the tax herein levied shall not apply to any bottled drinks now taxed under the Malt Beverage Act.

(b) Syrup—seventy cents (70c) per gallon, and a like proportionate rate on more or less than a gallon.

(c) Theaters, opera houses, motion picture shows, vaudevilles, amusement parks, athletic contests (including wrestling and boxing), football games, baseball games, basketball games, tennis games, skating rinks, race tracks, golf courses, public dance halls, public bathing places where an admission fee is charged and collected, there is hereby levied a tax of Fifteen per cent (15%) of the admission, or fee, charged and collected, which admission, or fee, shall be paid by the person purchasing such ticket or paying such admission, and the tax herein imposed shall be in addition to the fee, or admission charged and collected.

Provided, however, that this tax shall not apply to those charges, fees or admission to, whether for the purpose of participating in or witnessing, any of the above amusements, contests or games, where said fees, charges or admissions are less than fifteen cents (15c) each; and in the event any of such charges, fees or admissions are fifteen cents (15c) or more, said tax is hereby imposed upon each such charge, fee and admission in its entirety; and provided further that this tax shall not apply to amusements, entertainments or games given or produced by grammar schools, high schools and churches or other civic organizations when such amusements or

entertainments are produced entirely by local talent, and all the proceeds of which shall inure to the benefit of any such grammar schools, high schools, churches and civic organizations sponsoring any such entertainment or amusement; nor to student tickets to any such amusements or games as specified in this paragraph, but it shall apply to charges and admissions to games, amusements and contests within the University System (other than student tickets) and the authorities of such institutions are hereby required to account for and pay to the State Revenue Commissioner the twenty per cent (20%) tax herein levied and imposed.

The above amounts as levied for taxes hereunder shall be collected in the method as defined hereinafter.

### SECTION 3.

Every person receiving any payment for admissions taxable as non-essentials under this Act shall collect the amount of tax imposed by this Act from the person making such payments.

The taxes imposed hereunder shall be due and payable to the Commissioner of Revenue, State of Georgia, or a successor authority in weekly installments and remittance therefor shall be made on the last day of each week in which the taxes are collected or accrued.

The person receiving any payment for admissions on or before said last day of said week, shall make out a return upon such forms and setting forth such information as the Commissioner of Revenue may require showing the amount of tax upon admissions for which he is liable for the preceding weekly period, which report, or return, shall be verified on oath, and the same shall be transmitted to the Commissioner of Revenue without delay together with a remittance for the tax due.

The Commissioner of Revenue shall have the right and may audit the records, books and accounts of such person as often as in the discretion of the Commissioner of Revenue may be necessary to insure the collection and payment of all tax levied and due, as herein set out.

### SECTION 4.

Any person, or persons, firm or corporation evading any tax herein levied on non-essentials or attempting to evade any such tax by making any false statement or report or failing to file reports at the time required by this Act shall be subject to having assessed against him or it a penalty equal to 100% of the tax due; such penalty to be collected by the issuance of an execution against such person, firm or corporation and to be levied as other executions issued by the Commissioner of Revenue in the same manner as executions are levied for taxes due under the General Tax Act.

### SECTION 5.

The administration of this Act is vested in the Commissioner of Revenue and any department succeeding the Commissioner of Revenue which may be established by law.

(a) The Commissioner of Revenue or its successors is hereby authorized to prescribe forms and promulgate rules and regulations needed for the enforcement of this Act.

(b) The Commissioner of Revenue or any representative appointed by him is hereby authorized to examine the books, records, papers, files, equipment and/or inventory, of any distributor or retailer pertaining to sales, and/or receipts made taxable by this Act, to examine witnesses under oath for the purpose of verifying returns made under and by virtue of this Act; and for other purposes involving enforcement of this Act; and to examine the books, records, papers, files, equipment, and/or inventory of manufacturers, jobbers, retailers, or carriers for the purpose of ascertaining whether the Act is being violated.

(c) Any information obtained by the Commissioner of Revenue or any of his authorized agents, as a result of the reports, investigations or verifications, herein authorized or required to be made, shall be confidential as respecting the business of any person, and any person divulging such information except on the order of a court of competent jurisdiction, or to an officer of the State of Georgia, entitled to receive the same in his official capacity shall be fined not exceeding five hundred (\$500.00) dollars.

(d) The Commissioner of Revenue is hereby authorized and directed to prescribe the forms of stamps and caps or crowns herein required to be used. They shall be stamps and crowns carrying the design prescribed, prepared for sale in such a manner as it may deem proper. Such stamps shall be sold at their face value, the crowns or caps shall be provided at the cost of the manufacture, plus transportation charges, plus stamp tax value.

Be it provided, however, that the Commissioner of Revenue in his discretion may permit said distributor on the furnishing of a bond deemed good and sufficient by the Commissioner of Revenue, in the amount in no event less than twice the average monthly tax paid such distributor with corporate surety authorized to do business in Georgia, to purchase such stamps and/or crowns or caps on credit not more than thirty days.

(e) The Commissioner of Revenue shall keep a suitable record of the sale of all stamps and crowns which shall show the dates of sales thereof and the names of the purchasers.

#### SECTION 6.

Whoever, removes, washes, restores, alters, or otherwise prepares stamp or crown with intent to use, or cause to be used, after it has already been used, or whoever knowingly or wilfully buys, sells, offers for sale or gives away such washed, restored, or altered stamp or crown, to any person, or knowingly uses the same, or has in his possession any washed, restored, or altered stamps which have been removed from commodities to which they have been previously affixed, or whoever, for the purpose of indicating payment of any tax herein imposed, uses again any stamp or crown that has heretofore been used, for the purpose of denoting the

payment of the tax provided in this Act, or whoever prepares, buys, sells or offers for sale, or knowingly has in his possession any counterfeit stamps or crowns, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand (\$1,000.00) dollars or by imprisonment for not more than one (1) year or by both methods.

(a) Counterfeit Stamps. That whoever manufactures, buys, sells, offers for sale, or has in his or its possession any reproduction or counterfeit of the Georgia Revenue Stamps provided for in this Act, is guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary for not less than a year and a day, nor more than ten (10) years, and in addition, may be fined not less than two thousand (\$2,000.00) dollars, nor more than ten thousand (\$10,000.00) dollars.

#### SECTION 7.

No person shall sell, give or lend any stamps or crowns, nor shall any person purchase, accept, receive or borrow any stamps or crowns from any person; it being the intent thereof, in order to prevent fraud and insure collection of the taxes due, to limit all sales and transfers of such stamps or crowns to the Commissioner of Revenue or its authorized representative.

#### SECTION 8.

It is the intent and purpose of this Act to impose the tax levied herein once only upon the sale of the same commodities made taxable hereunder. Any commodity, on account of the sale of which the tax has been paid, shall not occasion payment of a second or other tax regardless of the number of times the commodity may be sold in this State.

#### SECTION 9.

Every manufacturer and/or distributor is hereby required to preserve written records of sales and/or receipts made taxable by this Act in such form as the Commissioner of Revenue may prescribe to keep invoices of commodities purchased, which are taxable hereunder and to maintain such other records and to submit such reports as the Commissioner of Revenue may require for the enforcement of this Act.

If commodities taxed hereunder, the sale of which is made taxable by this Act, are distributed or sold into another State, the Commissioner of Revenue may dispense with stamps or crowns or make appropriate regulations prescribing some other means whereby the tax may not be payable.

#### SECTION 10.

The tax imposed herein upon syrups shall be paid by affixing stamps in the manner and at times herein set forth. The tax imposed herein upon the sale of bottled or soft drinks as herein defined shall be paid by a tax paid crown for the purpose of showing that such tax has been paid. Said stamps and/or crowns shall be affixed according to the rules and regulations of the Commissioner of Revenue to make this Act effective.

(a) All syrups shall be stamped within twenty-four (24) hours of the time such manufactured articles are packed or imported into the State, and before the same shall be sold or offered for sale, affixed to each individual barrel, box, bottle, package, or other container whether or not enumerated herein, a stamp in such denomination as to show the payment of the tax herein levied. The stamp or stamps shall be so affixed that the barrel, box, bottle, package, or container can not be opened by the ordinary process without breaking or tearing such stamp or destroying said barrel, box, bottle, package or other container, and it shall be so affixed as to require the continued application of steam or water to remove it without opening the said barrel, box, bottle, package, or other container.

(b) All bottled drinks which are taxed under the provisions of this Act and are manufactured, bottled, or imported for sale in this State shall be stamped within twenty-four (24) hours of the time such drinks are manufactured, bottled, or imported and before the said drinks are sold or offered for sale, by affixing to each individual bottle a crown or cap provided by the Commissioner of Revenue for the purpose in such denominations as to denote payment of the tax herein levied. Be it provided, however, that the person required by this Act to affix crowns or caps to such containers shall be allowed a discount of two (2) per cent of the amount of the tax to cover breakage and leakage.

(c) Whoever makes use of any stamp or stamps to denote any tax imposed by this Act without cancelling such stamp by writing or stamping across the face of each stamp the registered number of such wholesaler, distributor or retailer (said number to be furnished by the Commissioner of Revenue shall be guilty of a misdemeanor and if convicted shall pay a fine of not more than one hundred (\$100.00) dollars or be put in prison for not more than thirty days for each offense.

#### SECTION 11.

Any bottled or soft drinks, any syrups or other products taxable under this Act found at any point within the State of Georgia which under this Act shall have been within the State of Georgia for a period of two (2) hours, or longer, in the possession of any retailer or semi-jobber, or for a period of forty-eight (48) hours, or longer in the possession of any manufacturer, wholesaler or jobber not having affixed to the barrel, box, bottle, package, or other container the stamps or crowns as above provided, are herewith declared to be contraband goods and the same may be seized by the Commissioner of Revenue or his agent and/or by any peace officer of the State of Georgia, without a warrant and the said goods shall be delivered to the Commissioner of Revenue for sale at public auction to the highest bidder after due advertisement, by the Commissioner of Revenue before delivering any said goods so seized shall require the purchaser to affix the proper amount of stamps or crowns to the individual package as above described. The proceeds of sale for any goods hereunder shall be turned over to the State Treasury by the Commissioner of Revenue as other funds collected by said Commissioner of Revenue. Provided, that the cost of confiscation and sale shall be paid out of the proceeds derived from such sales before making remittance to the State Treasury. Provided, further that any of the goods, wares, or merchandise, herein enumerated and all such goods, wares,

and merchandise when ordered for sale, whether at wholesale or retail without the stamps and crowns having first been affixed, shall be subject to confiscation as herein provided. Provided, further, should any unstamped goods, wares, or merchandise as herein enumerated and defined, without tax paid crowns be found in any vehicle which is engaged in the sale, distribution or delivery of the articles herein enumerated the same shall be prima facie evidence that it or they were there for sale.

#### SECTION 12.

In all cases of seizure of any goods, wares, merchandise or other property hereafter made as being subject to forfeiture under provisions of this Act which in the opinion of the officer, or person making the seizure, are of the appraised value of fifty (\$50.00) dollars, or more, the said officer or person shall proceed as follows:

(a) He shall cause a list containing a particular description of the goods, wares, merchandise, or other property seized to be prepared in duplicate and appraisal thereof to be made by three sworn appraisers, to be selected by him, who shall be respected and disinterested citizens of the State of Georgia, residing within the county wherein the seizure was made. Said list and appraisal shall be properly attested by said officer or persons, and said appraisers, for which service each of said appraisers shall be allowed the sum of (\$1.00) one dollar per day, not exceeding two (2) days, to be paid by the Commissioner of Revenue out of any revenue received by it from the sale of the confiscated goods or the compromise which may be effected.

(b) If the said goods are delivered by the officer making the seizure to be of value of less than fifty (\$50.00) dollars, no appraisal shall be made. The said officer, or person, shall proceed to post a notice for three (3) weeks, in writing at three (3) places in the county where the seizure was made, describing the articles and stating the time and place and cause of their seizure and requiring any person claiming them to appear and make such claim in writing within thirty (30) days from the date of the first posting of such notice.

(c) Any person claiming the said goods, wares, or merchandise, or other property so seized as contraband within the time specified in the notice, may file with the Commissioner of Revenue a claim in writing, stating his interest in the article seized, and may execute a bond to the Commissioner of Revenue in a penal sum equal to double the value of said goods so seized, but in no case shall said bond be less than the sum of two hundred (\$200.00) dollars, with sureties to be approved by the Clerk of the Superior Court in the county in which the goods are seized, conditioned that in the case of condemnation of the articles so seized, the obligors shall pay to the Commissioner of Revenue the full value of the goods so seized and all cost and expense of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And upon delivery of such bond to the Commissioner of Revenue it shall transmit the same with the duplicate list or description of the goods seized to the solicitor of the circuit in which such seizure was made, and the said solicitor shall file a bill in the Superior Court in equity of the county where the

seizure was made to secure the forfeiture of said goods, wares, merchandise, or other property.

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Upon the filing of the bonds aforesaid, the said goods shall be delivered to the claimant pending the outcome of said case: Provided, however, said goods must have the proper stamps affixed to each such article as herein enumerated before turning same over to claimant. The stamps so affixed to be paid for by claimant when goods properly stamped are delivered by the Commissioner of Revenue.

(d) If no claim is interposed and no bond given within the time above specified, such goods, wares, merchandise, or other property shall be forfeited without further proceedings and the same shall be sold, as herein provided. And the proceeds of sale when received by the Commissioner of Revenue shall be turned into the State Treasury as other revenues are required by law to be turned in: Provided, that in seizure in quantities of less value than fifty (\$50.00) dollars, the same may be advertised with other quantities in Atlanta, Georgia, by the Commissioner of Revenue and disposed of as hereinabove described. The proceedings against goods, wares, merchandise, or other property, pursuant to the provisions of this Act shall be considered as proceedings in rem unless otherwise provided herein. Provided, however, should the Commissioner of Revenue have to resort to the Courts for collection of the tax due and assessed, no advertisement shall be made and the confiscated articles enumerated herein may be held as evidence pending the results of Court action.

#### SECTION 13.

The Commissioner of Revenue may in his discretion return any goods, confiscated under this Act or any part thereof, when it is shown that there was no intention to violate the provisions of this Act. Provided, when any goods, merchandise, or other property, are confiscated under the provisions of this Act, the Commissioner of Revenue, in his discretion, may return such goods to the parties from whom they are confiscated if and when such parties shall pay to the Commissioner of Revenue, or his duly authorized representatives, an amount equal to the tax due under this Act on the goods confiscated, and in such cases no advertisement shall be made or notices posted in connection with said confiscation.

The Commissioner of Revenue may promulgate rules and regulations governing the stamping of any articles or commodities enumerated herein handled by persons, firms, or corporations operating on interstate common carriers.

Any rules and regulations of the Commissioner of Revenue, when duly made and promulgated, shall have the full force and effect of law. Any person when violating such rules, when duly made and promulgated, shall be guilty of a misdemeanor and shall upon conviction be fined not less than fifty (\$50.00) dollars, and not more than one hundred (\$100.00) dollars for each offense.

#### SECTION 14.

It shall be provided by regulations of the Commissioner of Revenue the methods of breaking packages, forms and kind of containers and methods of affixing

stamps that shall be employed by persons, firms or corporations and subject to the tax imposed by this Act which will make possible the enforcement of payment of inspection and any person, firm or corporation subject to this tax, engaging in or permitting such practices as are prohibited by regulations of the Commissioner of Revenue or in any other practice which makes it difficult to enforce the provisions of this Act by inspection, or if any person, firm or corporation, agent or officer thereof, who shall upon demand of the Commissioner of Revenue, any officer, or agent of the Commissioner of Revenue, refuse to allow full inspection of the premises or any part thereof, or who shall hinder or in anywise delay or prevent such inspections when demand is made thereof, or in any way interferes with any agent of the Commissioner of Revenue in the performance of his duty in enforcing this Act (confiscation of articles enumerated deemed by the agent of the Commissioner of Revenue to be contraband), is hereby declared to be one of the duties of any agent of the Commissioner of Revenue, shall be deemed to be guilty of a misdemeanor and shall, upon conviction, be fined not less than one hundred (\$100.00) dollars, nor more than two hundred (\$200.00) dollars for each offense, or imprisonment in the county jail for a period not exceeding ninety (90) days, or both, in the discretion of the Court.

#### SECTION 15.

It shall be the duty of every person, firm or corporation, club or association of persons receiving, storing, selling or handling articles as herein enumerated in any manner whatsoever, to keep and preserve all invoices, books, papers, cancelled checks or other memoranda touching the purchase, sale, exchange, or receipt of any and all articles as enumerated herein for a period of two (2) years. All such invoices, books, papers, cancelled checks or other memoranda shall be subject to audit and inspection by any duly authorized representative of the Commissioner of Revenue at any and all times. Any person, firm, corporation, club or association of persons who fails or refuses to keep and preserve the records as herein required, or who upon request by a duly authorized agent of the Commissioner of Revenue fails or refuses to allow an audit or inspection of records as hereinabove provided, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, or imprisonment in the county jail for a period not to exceed ninety (90) days for each offense.

#### SECTION 16.

Each and every wholesaler or jobber qualifying as such with the Commissioner of Revenue shall be required to file a report between the first and tenth of each month, covering the purchase and/or receipt by them of all articles as enumerated and defined herein, during the preceding month. Said report shall give in detail the different kinds and quantities of the articles enumerated herein so purchased and/or received by them during the preceding month. Any wholesaler or jobber failing or refusing to file the above report in the manner and time allowed shall be deemed a violator of this Section and upon conviction shall be fined not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars, for each offense.

## SECTION 17.

The Commissioner of Revenue is hereby authorized and directed to have prepared and distributed stamps suitable for denoting the tax on all articles enumerated herein. Any person, firm, corporation, or association of persons, other than the Commissioner of Revenue, who sells stamps not affixed to the articles enumerated herein sold and delivered by them, whether the said stamps be genuine or counterfeit, shall be guilty of a felony and punishable as set out in Section 13 of this Act. When wholesalers or jobbers have qualified as such with the Commissioner of Revenue as provided in this Act and desire to purchase stamps as prescribed herein for use on the taxable articles enumerated herein, sold and delivered by them, the Commissioner of Revenue shall allow on such sales of stamps for the articles herein enumerated, excepting crowns, the following:

On a sale of one hundred (\$100.00) dollars or over and less than two hundred (\$200.00) dollars, a discount of three (3%) per cent on the entire amount of the sale; on a sale of two hundred (\$200.00) dollars or more, a discount of five (5%) per cent on the entire amount of the sale.

Every wholesaler or jobber purchasing stamps as described herein shall be required to make a full and complete accounting on or before the tenth of each month for all stamps used on taxable articles as enumerated herein during the preceding month. Every wholesaler or jobber refusing or failing to comply with this section shall forfeit the commission or discount on stamps purchased in the future.

## SECTION 18.

Persons failing to properly affix the required stamps or tax paid crowns to any of the enumerated articles herein defined shall be required to pay as part of the tax imposed hereunder a penalty of not less than twenty-five (\$25.00) dollars, nor more than five hundred (\$500.00) dollars, to be assessed and collected by the Commissioner of Revenue, as other taxes are collected. And each article or commodity not having proper stamps affixed thereto as required herein shall be deemed a separate offense. Provided, that the articles enumerated herein in the place of business of any person required by the provisions of this Act to stamp the same shall be prima facie evidence that they are intended for sale. Provided, further, that if within ten (10) days and not thereafter after notification in writing by the Commissioner of Revenue, or its duly authorized agent, to the person, firm or corporation of its failure to properly affix the required stamps to any article or commodity, or within ten (10) days after written notification to him that he has sold any article or commodity requiring stamps without having the stamps properly attached thereto as required by this Act, the party charged or to be charged with such commission as herein provided shall have the right within said time, and not thereafter, to demand a trial of the issue before a court of competent jurisdiction in the manner now provided by law for the trial of civil actions or civil suits. The written notice herein required may be served by mail. When it is so served, the paper must be deposited in the postoffice addressed to the person on whom it is to be

served at his last known place of residence and the postage paid, and then ten (10) days herein provided shall begin to run from the date of mailing. Said notice may also be personally served by any agent of the Commissioner of Revenue, or any other person, by delivering the same to the person or corporation charged, or by leaving the same in the place of business of such person or corporation. Provided, further, that the Commissioner of Revenue upon good causes shown may in his discretion remit a part of the penalties above described herein, but in no case shall it accept less than the minimum penalty provided for such offense. Provided, further, that any judgment rendered in favor of the State in any civil action or suit shall be a first preferred lien for taxes upon all property of the taxpayer and in the event of nonpayment shall be filed in the office of the Clerk of Superior Court in the county where taken, and execution may be issued by the Commissioner of Revenue as now provided by law.

#### SECTION 19.

If any taxes or penalties imposed by this Act remain due and unpaid for a period of ten (10) days, the Commissioner of Revenue shall issue an execution directed to any sheriff of the State of Georgia commanding him to levy upon and sell the real and personal property of the taxpayer found within his county for the payment of the amount thereof, with penalties, if any, and the cost of levying the execution and to return such execution to the Commissioner of Revenue and to pay it the money collected by virtue thereof. Upon receipts of such execution, the sheriff shall file with the Clerk of Superior Court of his county a copy thereof, and thereupon the Clerk of the Superior Court shall enter the same upon the execution docket kept by him in the same manner as other executions are entered, and shall index the execution upon the index of judgments. The sheriff shall thereupon proceed upon the execution as in all other similar matters. The defendant named in any execution shall have the right to file an affidavit of illegality to the Court and same be tried in the same manner as other affidavits of illegality are now tried.

#### SECTION 20.

It shall be unlawful for any person, firm or corporation to receive in this State any shipment of any of the articles taxed herein when the same are not stamped as required by this Act, and knowing the same to be not stamped, for the purpose and intention of violating the provisions of this Act, and to avoid payment of the taxes, such person, firm or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars or sentenced to jail for not less than thirty (30) days or more than sixty (60) days, either or both. Provided, that in the event this provision shall be declared unconstitutional by the Courts, it shall not affect the remaining sections or any other part or portion of this Act.

#### SECTION 21.

Any person, firm, corporation, club or association of persons who offer for sale or sell any of the articles enumerated herein which do not have affixed thereto stamps as required shall be guilty of a misdemeanor, and upon conviction shall be

punished by a fine of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars.

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#### SECTION 22.

If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause provision, or portion of this Act which is not in and of itself unconstitutional. It is hereby declared to be the intention of the General Assembly that should any portion of this Act be declared unconstitutional, the remainder shall be in full force and effect, and that the General Assembly would have passed this Act without such invalid portion or provision.

#### SECTION 23.

The funds derived from this Act are hereby allocated as follows:

Five per cent (5%) of the gross revenue received from said tax is appropriated to the Commissioner of Revenue for the purpose of enforcing the provisions of this Act. The remaining ninety-five per cent (95%) of the revenue collected from the taxes herein imposed shall be a standing appropriation as follows: Thirty-three and one-third per cent (33 1-3%) appropriated to the counties of this State for the purpose of constructing and maintaining the public roads in each county. The amount to be paid to each county shall be determined as follows: In the same manner that the present gasoline tax is now distributed to each of the counties of the State except that the amount each county shall receive is to be determined by the total public road mileage in said county as determined by the State Highway Board and furnished to the State Treasurer; thirty-three and one-third per cent (33 1-3%) appropriated to the State Board of Education to be used to pay the salaries of the high school and grammar school teachers employed by the State to teach in the public school system; thirty-three and one-third per cent (33 1-3%) appropriated to the Department of Public Welfare to be used by said Department in paying pensions, aid to the blind, dependent and crippled children, and maintaining the eleemosynary institutions of the State.

#### SECTION 24.

All laws and parts of laws in conflict with this Act are hereby repealed.

On the adoption of the Corbett amendment to House Bill No. 799, Mr. Corbett of Atkinson moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Beck	Bush
Allen	Bell	Carrington
Allison of Gwinnett	Bennett of Clarke	Carter
Allison of White	Bennett of Ware	Chappell
Almand	Boyd of Greene	Cheney
Atkinson	Branch	Clark

Claxton	Gross of Washington	Moore of Taliaferro
Conner	Harrison of Crawford	Pharr
Cook <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Harrison of Jenkins	Pierce
Corbett	Harvey	Preston
Culpepper of Mitchell	Hatchett	Reid
Curry	Hayes	Rossee
Daughtry	Henderson	Rountree
Davis of Floyd	Herndon	Sanders
Dean	Hill	Sapp
Dockery	Holtzendorff	Sartain
Drake	Jackson	Saunders
Ennis, J. H.	Johnson	Scott
Ennis, Marion	Jones of Richmond	Stiles
Etheridge of Houston	Kaigler	Swindle
Flanders	Kelley	Tate
Forrester of Dade	Kennedy	Terrell
Foster	Key	Thigpen of Evans
Fowler of Douglas	Lanham	Thigpen of Glascock
Fowler of Treutlen	Lanier	Tipton
Franklin of Bulloch	Lewis	Trippe
Graham	Mason	Vickery
Grayson	McGraw	Whipple
Greene	McNall	Whitaker
Grice	Merritt	Wiggins
Griffin	Miller	Williams of Ware
Gross of Stephens	Moore of Lumpkin	Yawn

Those voting in the negative were Messrs.:

Ansley	Clements of Wheeler	Ferguson of Sumter
Barlow	Cobb	Ford
Barrett	Connell	Forrester of Crisp
Binion	Culpepper of Fayette	Franklin of Polk
Blackshear	Dallis	Gaines
Blease	Davidson	Gavin
Bloodworth	Davis of Coweta	Gill
Boyd of Cook	DeFoor	Goddard
Brooks of Jackson	Dickerson	Goolsby
Brooks of Oglethorpe	Drinkard	Gowen
Bruce	Edwards of Lowndes	Guyton
Bynum	Edwards of Taylor	Harden
Campbell	Elliott	Hinson
Candler	English	Howard
Carmichael of Butts	Etheridge of Baker	Joel
Carmichael of Cobb	Etheridge of Fulton	Jones of Brantley
Clary	Evans of McDuffie	Jones of Paulding
Clements of Marion	Ferguson of Camden	Kendrick

Kimbrough	Parker	Strickland of Pierce
King	Parham	Summerour
Looper	Pilcher	Sumner
Lovett	Purdy	Thornton
Mankin	Ragan	Tippins
Marshall	Rawlins	Tomlinson
Maxwell	Rees	Turner
McBride	Rogers	Warren
McCracken	Roughton	Wells
McDaniel	Sabados	Williams of Bacon
Middleton	Sams	Wright
Mills	Smiley	Yeomans
Morgan	Smith of Henry	
Mosely	Smith of Schley	
Pannell	Strickland of Haralson	

Those not voting were Messrs.:

Bray	Easley	Moss
Clements of Calhoun	Evans of Laurens	Simmons
Coogler	Grant	Wages
Douglass	Hardman	Wohlwender

By unanimous consent, the roll call was verified.

On the adoption of the amendment the ayes were 97, the nays 96.

The amendment was adopted.

On the adoption of the amendment offered by Mr. Forrester of Crisp, and others, the ayes were 33, the nays 81, and the amendment was lost.

On the adoption of the amendment offered by Mr. Boyd of Cook, the ayes were 15, the nays 94, and the amendment was lost.

On the adoption of the amendment by Mr. Clements of Wheeler, the ayes were 43, the nays 97, and the amendment was lost.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the roll call was ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Bell	Carrington
Allen	Bennett of Clarke	Carter
Allison of Gwinnett	Bennett of Ware	Chappell
Allison of White	Boyd of Greene	Cheney
Almand	Branch	Clark
Beck	Bush	Claxton

Conner	Harrison of Jenkins	Preston
Corbett	Harvey	Reid
Culpepper of Mitchell	Hatchett	Rossee
Curry	Henderson	Rountree
Daughtry	Herndon	Sanders
Davis of Floyd	Hill	Sapp
Dean	Holtzendorff	Sartain
Dockery	Jackson	Saunders
Douglass	Johnson	Scott
Drake	Jones of Richmond	Stiles
Ennis, J. H.	Kelley	Swindle
Ennis, Marion	Key	Tate
Etheridge of Houston	Lanham	Terrell
Forrester of Dade	Lanier	Thigpen of Evans
Foster	Lewis	Thigpen of Glascock
Fowler of Douglas	Mason	Tipton
Fowler of Treutlen	McBride	Trippe
Graham	McGraw	Vickery
Greene	Merritt	Whipple
Grice	Miller	Whitaker
Griffin	Moore of Lumpkin	Wiggins
Gross of Stephens	Moore of Taliaferro	Williams of Ware
Gross of Washington	Pharr	Yawn
Harrison of Crawford	Pierce	

Those voting in the negative were Messrs.:

Ansley	Clements of Wheeler	Ford
Atkinson	Cobb	Forrester of Crisp
Barlow	Connell	Franklin of Bulloch
Barrett	Cook	Franklin of Polk
Binion	Culpepper of Fayette	Gaines
Blackshear	Dallis	Gavin
Blease	Davidson	Gill
Bloodworth	Davis of Coweta	Goddard
Boyd of Cook	DeFoor	Goolsby
Bray	Dickerson	Gowen
Brooks of Jackson	Drinkard	Grayson
Brooks of Oglethorpe	Edwards of Lowndes	Guyton
Bruce	Edwards of Taylor	Harden
Bynum	Elliott	Hayes
Campbell	English	Hinson
Candler	Etheridge of Baker	Howard
Carmichael of Butts	Etheridge of Fulton	Joel
Carmichael of Cobb	Evans of McDuffie	Jones of Brantley
Clary	Ferguson of Camden	Jones of Paulding
Clements of Marion	Ferguson of Sumter	Kendrick

Kennedy	Pannell	Strickland of Haralson
Kimbrough	Parham	Summerour
King	Parker	Sumner
Looper	Pilcher	Thornton
Lovett	Purdy	Tippins
Mankin	Ragan	Tomlinson
Marshall	Rawlins	Turner
Maxwell	Rees	Warren
McCracken	Rogers	Wells
McDaniel	Roughton	Williams of Bacon
McNall	Sabados	Wohlwender
Middleton	Sams	Wright
Mills	Smiley	Yeomans
Morgan	Smith of Henry	
Mosely	Smith of Schley	

Those not voting were Messrs.:

Clements of Calhoun	Flanders	Moss
Coogler	Grant	Simmons
Easley	Hardman	Strickland of Pierce
Evans of Laurens	Kaigler	Wages

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 89, the nays 103.

The bill having failed to receive the requisite constitutional majority was lost.

Mr. Gross of Stephens moved that the House recess for one hour, and the motion prevailed.

3:10 o'clock, P. M.

The Speaker called the House to order.

By unanimous consent, the following bills of the Senate were read the first time and referred to the Committee:

By Senator Jordan of the 15th District—

Senate Bill No. 140. A bill to be entitled an Act proposing to the voters an amendment to Article 7, Section 2, Paragraph 2-A, of the Constitution, exempting industries engaged in the manufacture or processing of livestock, farm products, from taxation for a period of five years; and for other purposes.

Referred to Committee on Amendments to Constitution No. 1.

By Senators Brown of the 4th, Thrasher of the 27th and Brooks of the 8th Districts—

Senate Bill No. 179. A bill to be entitled an Act to amend Georgia Laws—

Extra Session 1937-38, pp. 332-337, authorizing the Commissioner of Agriculture to promulgate rules and regulations in reference to the sanitation, distribution and transportation of fish and sea foods; and for other purposes.

Referred to Committee on General Agriculture No. 1.

By Senators Brown of the 4th, Thrasher of the 27th and Brooks of the 8th Districts—

Senate Bill No. 180. A bill to be entitled an Act to repeal Section 45-210 of the Code relating to license fees levied on commercial fishing boats, by providing for an additional license on aliens or non-residents; and for other purposes.

Referred to Committee on Game and Fish.

By Senator Thrasher of the 27th District—

Senate Bill No. 190. A bill to be entitled an Act to amend Section 45-801 of the Georgia Code of 1933, by requiring persons owning or leasing oyster beds in this State to register with the Tide Water Commission a private mark; and for other purposes.

Referred to Committee on Game and Fish.

By Senator Thrasher of the 27th District—

Senate Bill No. 198. A bill to be entitled an Act to amend Section 45-601 of the Code of 1933, by changing the open season during which shad may be taken from the waters of this State; and for other purposes.

Referred to Committee on Game and Fish.

By Senators Manning of the 39th and Spivey of the 16th Districts—

Senate Bill No. 210. A bill to be entitled an Act to amend Georgia Laws 1935, pp. 367-368 (an Act to promote Public Health, etc.), by prohibiting certain endurance contests; and for other purposes.

Referred to Committee on General Judiciary No. 1.

By Senators Smith of the 24th and Lindsay of the 34th Districts—

Senate Bill No. 218. A bill to be entitled an Act establishing and creating a public corporation to be known as the Atlanta Produce Market Authority; and for other purposes.

Referred to Committee on General Agriculture No. 1.

By Senator Redman of the 26th District—

Senate Bill No. 220. A bill to be entitled an Act to amend Section 77-341 of the Code relating to the commutation of term for good behavior of convicts by the Superintendent of the Penitentiary; and for other purposes.

Referred to Committee on Penitentiary.

By Senator Causey of the 46th District—

Senate Bill No. 222. A bill to be entitled an Act to authorize the Ordinary or other official or officials in charge of the fiscal affairs of the county to pay the premiums on surety company bonds of Tax Receivers, Tax Collectors and Tax Commissioners; and for other purposes.

Referred to Committee on Counties and County Matters.

By Senator Warnell of the 1st District—

Senate Bill No. 225. A bill to be entitled an Act to amend an Act entitled "Highway Mileage" (Georgia Laws 1929, pp. 260-268) so as to add to the Traylor-Neill Map a road beginning at a point on State Route 67 near Statesboro, Georgia; and for other purposes.

Referred to Committee on Public Highways No. 1.

By Senator Jordan of the 15th District—

Senate Bill No. 227. A bill to be entitled an Act to abolish the offices of Tax Collector and Tax Receiver of Wheeler County; to create the office of Tax Commissioner; and for other purposes.

Referred to Committee on Counties and County Matters.

By Senator Estes of the 35th District—

Senate Bill No. 229. A bill to be entitled an Act to amend an Act entitled "Highway Mileage" by adding a road beginning at a point on State Route No. 155 at Panthersville, approximately five miles south of Decatur, and extending along historical route of the original Decatur to McDonough Stage Coach Route, to the Traylor-Neill Map; and for other purposes.

Referred to Committee on Public Highways No. 1.

By Senator Millican of the 52nd District—

Senate Bill No. 230. A bill to be entitled an Act to amend Code Section 92-3715 of 1933, as amended by the Act approved March 31, 1937, Pages 444-446, by striking the words "one and one-fourth mills" where the same occur in said Code section, as amended, and inserting in lieu thereof "three mills"; and for other purposes.

Referred to Committee on Counties and County Matters.

By Senator Lindsay of the 34th District—

Senate Bill No. 231. A bill to be entitled an Act to create in the State Welfare Department a Division of Deaf Mutes, to define the duties of said Division; and for other purposes.

Referred to Committee on Public Welfare.

By Senator Warnell of the 1st District—

~~Senate Bill No. 232~~ A bill to be entitled an Act to amend the several Acts relating to and incorporating the Town of Thunderbolt in Chatham County, so as to define and extend its corporate limits; and for other purposes.

Referred to Committee on Municipal Government.

The following bill of the House was taken up for the purpose of considering the Senate substitute thereto:

By Mr. Culpepper of Fayette—

House Bill No. 637. A bill to be entitled an Act to create a State Division of Confederate Pensions and Records; and for other purposes.

The following Senate substitute to House Bill No. 637 was read:

#### A BILL

To be entitled an Act to amend "The Welfare Reorganization Act of 1937" (Georgia Laws 1937, Pages 355-370), by striking and repealing Section 19 of said Act, which transfers the supervision of ex-Confederate soldiers and sailors and their dependents and the powers and duties with respect to the payment of pensions from the Director of the Veterans Service Office to the State Department of Public Welfare and the Director by striking and repealing said Section and inserting in lieu thereof a new section transferring and vesting such powers and duties in the State Revenue Commissioner; and for other purposes.

Be it enacted by the General Assembly of Georgia:

SECTION 1. That Section 19 of the "Welfare Reorganization Act of 1937" (Georgia Laws 1937, Pages 355-370), which Section transfers the supervision of ex-Confederate soldiers and sailors and dependents and the powers and duties of the Veterans Service Office and the Director of the Veterans Service Office to the State Department of Public Welfare and the Director of said Department be and the same is hereby repealed in its entirety.

SECTION 2. There is hereby enacted in lieu of said Section 19 the following new Section:

"Section 19. Transfer of Supervision of ex-Confederate soldiers and sailors and dependents. All of those duties which have heretofore devolved upon the Veterans Service Office and the Director of the Veterans Service Office under and by virtue of Title 78, Chapter 78-2, of the 1933 Code of Georgia, having to do with the administration of pensions to ex-Confederate soldiers and sailors and their dependents are hereby removed from the supervision and administration of the Veterans Service Office and are vested in the State Revenue Commissioner and hereafter all of those functions pertaining to such ex-Confederate soldiers and sailors and dependents as prescribed and laid down in Chapter 78-2 of the 1933 Code of Georgia

are hereby designated as a part of the duties of the State Department of Revenue, which Department is hereby vested with the responsibility of administering all of such functions. The State Revenue Commissioner is hereby substituted for the Director of the Veterans Service Office and Director of the State Department of Public Welfare in connection with the administration of the duties provided for in Chapter 78-2 of the 1933 Code of Georgia, and wherever a duty devolves upon the Ordinary of the respective counties of the State in said Chapter, such duty shall be performed by said Ordinary and not by any County Director of Public Welfare."

SECTION 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Mr. Culpepper of Fayette moved that the House disagree to the Senate substitute and requested the appointment of a Committee of Conference thereon.

The Speaker appointed as a Committee of Conference on the part of the House to confer with a like Committee on the part of the Senate, the following members of the House, to-wit:

Messrs. Harrison of Jenkins, Culpepper of Fayette and Grayson of Chatham.

The following report of the Committee on Rules was read and adopted:

Mr. Speaker:

Your Committee on Rules having had under consideration the fixing of a calendar have established as a special and continuing order of business the following:

- ( 1) House Bill No. 647. Divorce on United States Reservation in Georgia.
- ( 2) House Bill No. 342. Fulton Judgeship.
- ( 3) House Bill No. 219. Compulsory Education.
- ( 4) House Bill No. 446. Salary Reduction.
- ( 5) House Bill No. 625. Enlarge Powers of Trustees of G. M. C.
- ( 6) House Resolution No. 105-394 B. Relating to Confederate widows' pensions.
- ( 7) House Bill No. 635. To authorize the County of Bacon to issue refunding bonds.
- ( 9) House Bill No. 397. Statutory Foreclosure.
- (10) House Bill No. 690. Post Roads bills.
- (11) House Bill No. 449. Relating to sale of pawnees.
- (12) House Bill No. 624. Relating to sale of land, Milledgeville.

- (13) House Bill No. 698. Relating to pay patients at Milledgeville.
- (14) House Bill No. 317. Relating to regulation of frozen desserts.
- (15) House Bill No. 258. Relating to Title Insurance.
- (16) House Bill No. 276. Junk Dealers.
- (17) House Resolution 132-497A. Local, Fulton County.
- (18) House Bill No. 480. Weights and Measures.
- (19) House Bill No. 275. Relating to interest and execution of poll taxes.
- (20) House Bill No. 31. Rolling Stores.
- (21) House Bill No. 104. Rolling Stores.
- (22) House Bill No. 472. Local.
- (23) House Bill No. 352. Crab Bill.
- (24) House Bill No. 322. Local.
- (25) House Bill No. 407. Hog Cholera.
- (26) House Bill No. 261. Barbers.

The Speaker may call up local constitutional amendments at his discretion.

Under the special and continuing order of business, established by the Committee on Rules, the following bills and resolutions of the House were taken up for consideration and read the third time:

By Mr. Almand of Walton—

House Resolution No. 124-467A. A resolution to designate State Highway Route No. 10 from Athens, via Monroe and Stone Mountain, to Atlanta, Georgia, as "The Stone Mountain Memorial Highway"

The resolution was adopted.

By unanimous consent, the resolution was ordered immediately transmitted to the Senate.

By Mr. Kennedy of Tattnall—

House Bill No. 322. A bill to be entitled an Act to authorize and empower the Governor of the State of Georgia to sell certain lands of Tattnall Prison Farm to County Board of Education of Tattnall County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

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By Mr. Pannell of Murray—

House Resolution No. 63-259D. A resolution directing the State Librarian to furnish certain volumes of the Georgia Reports and Georgia Appeals Reports to Murray County; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution the ayes were 111, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By unanimous consent, the resolution was ordered immediately transmitted to the Senate.

By Mr. Cook of Chattooga—

House Resolution No. 64-259E. A resolution relieving Dr. W. B. Hair as surety on an appearance bond; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution the ayes were 116, the nays 2.

The resolution having received the requisite constitutional majority was adopted.

By unanimous consent, the resolution was ordered immediately transmitted to the Senate.

By Mr. Cook of Chattoga—

House Resolution No. 61-259B. A resolution relieving Dr. W. B. Hair as surety on an appearance bond of L. N. Roberson; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution the ayes were 110, the nays 1.

The resolution having received the requisite constitutional majority was adopted.

By unanimous consent, the resolution was ordered immediately transmitted to the Senate.

By Messrs. Looper of Dawson, Warren of Forsyth and Barrett of Cherokee—

House Bill No. 677. A bill to be entitled an Act to amend the Highway Mileage Act by adding a certain road in Dawson, Forsyth and Cherokee Counties; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Mr. Swindle of Berrien—

House Bill No. 414. A bill to be entitled an Act to give private bankers the right to charge exchange on checks drawn on them when presented by any bank, banker, trust company or agent thereof; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the ayes were 105, the nays 4.

The bill having received the requisite constitutional majority was passed.

Mr. Bell of Grady moved that the bill be immediately transmitted to the Senate.

On the motion to immediately transmit, the ayes were 97, the nays 6.

The motion prevailed.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House, to-wit:

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 342. A bill to add an additional Judge of the Superior Court for the Atlanta Circuit; and for other purposes.

By Messrs. Carmichael of Cobb, Culpepper of Fayette, Lanier of Richmond, and Rees of Webster—

House Bill No. 621. A bill to establish a Department of Purchases for the State; to provide for a Supervisor of Purchases; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate and House, to-wit:

By Senator Warnell of the 1st District—

Senate Bill No. 232. A bill to amend the several Acts relating to and incorporating the Town of Thunderbolt, so as to define and extend its corporate limits; and for other purposes.

By Messrs. Swindle of Berrien and Claxton of Johnson—

House Bill No. 690. A bill to authorize the State Highway Department to expend State Aid road funds upon any rural or post roads of the State not on the State Highway Road System; and for other purposes.

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time:

By Mr. Allen of Dougherty—

House Bill No. 810. A bill to be entitled an Act to amend Section 22 of the General Tax Act No. 360, by striking from said Section the second sentence thereof, which provides that no person shall be exempt from any tax imposed who has more than one employee to assist in conducting such business; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the ayes were 104, the nays 3.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Messrs. Jones of Paulding, Trippe of Polk, Fowler of Douglas and Franklin of Polk—

House Bill No. 823. A bill to be entitled an Act to abolish the fee system now existing in the Superior Courts of the Tallapoosa Circuit; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the ayes were 118, the nays 1.

The bill having received the requisite constitutional majority was passed.

Mr. Strickland of Haralson requested that the Journal show that he voted against the passage of the bill.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Mr. Holtzendorff of Ben Hill—

House Resolution No. 165-647A.

## A RESOLUTION

Proposing to the qualified voters of Georgia an amendment to Article 7, Section 6, Paragraph 1, of the Constitution of Georgia, authorizing the City of Fitzgerald to levy a tax not to exceed one mill for the purpose of raising a fund which may be set aside, appropriated, and used by the City of Fitzgerald in assisting, promoting and encouraging the location of new industries therein: and which may also be set aside, appropriated and used by said City of Fitzgerald for the purpose of advertising said City, and such fund so raised shall be spent in such manner for such purposes as the governing body of said City may provide.

Be it resolved by the General Assembly of Georgia:

## SECTION 1.

That Article 7, Section 6, Paragraph 1, of the Constitution of Georgia be and the same is hereby amended by adding at the end of said paragraph the following language: "Provided, however, that the City of Fitzgerald, in Ben Hill County, Georgia, is authorized to levy a tax on all of the taxable property therein, not to exceed one mill, for the purpose of securing a fund to be set aside, used and appropriated by the City of Fitzgerald in assisting, promoting and encouraging the location of new industries therein. And which may also be set aside, appropriated and used by said City of Fitzgerald for the purpose of advertising said City, and such fund so raised shall be spent in such manner for such purposes as the governing body of said City may provide. Said tax and appropriation being in addition to those now authorized by law."

## SECTION 2.

This amendment shall be published in some newspaper in each Congressional District for two months before the next general election, and at the next general election it shall be submitted to the qualified voters of Georgia for ratification or rejection. Those desiring to vote in favor of ratification of the amendment shall have written or printed on their ballots the words, "For ratification of the amendment to Article 7, Section 6, Paragraph 1, of the Constitution of Georgia, authorizing the City of Fitzgerald to levy a tax and appropriate money for securing new industries." Those desiring to vote against the ratification of the amendment shall have written or printed on their ballots the words, "Against ratification of the amendment to Article 7, Section 6, Paragraph 1, of the Constitution of Georgia, authorizing the City of Fitzgerald to levy a tax and appropriate money for securing new industries."

If a majority of those qualified to vote for members of the General Assembly, voting at said election, shall vote in favor of the ratification of the amendment, the same shall become a part of Article 7, Section 6, Paragraph 1, of the Constitution of Georgia, and the Governor shall make proclamation thereof as provided by law.

## SECTION 3.

Be it further resolved that before the provisions of this Act shall become effective the City Council by proper resolution shall call an election in said municipality

to be held within thirty days from the date of said call and publish a notice thereof in the official organ of said county, which election shall be held under the same rules and regulations covering the elections of officers of said municipality, at which it shall be submitted to the qualified voters of Fitzgerald, Georgia, the question of whether or not the City of Fitzgerald will be authorized to levy a tax on all taxable property located therein not to exceed one mill for the purpose of securing a fund to be set aside, used and appropriated by the City of Fitzgerald in assisting, promoting and encouraging the location of new industries to be located in the City of Fitzgerald; which fund shall be spent for such purposes by and with the approval of the Board consisting of the Mayor of the City of Fitzgerald, President of the Chamber of Commerce and Chairman of the Water, Light and Bond Commission, whether such an amendment shall go into effect or not. Those voting in favor of the amendment to aforesaid shall have written or printed on their ballots, "For Amendment" And those opposed to said amendment shall have plainly written or printed on their ballots, "Against Amendment" If the majority of votes cast shall be in favor of said amendment, the provisions of this resolution shall become effective and the governing authorities of said City shall in accordance herewith levy the tax aforesaid. If the majority of votes in said election are not in favor of amendment, then this law shall be void and of no effect.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Brooks of Oglethorpe	Daughtry
Allen	Bruce	Davis of Coweta
Allison of Gwinnett	Bynum	Davis of Floyd
Allison of White	Campbell	Dean
Almand	Candler	DeFoor
Ansley	Carmichael of Butts	Dockery
Atkinson	Carmichael of Cobb	Drinkard
Barlow	Carrington	Easley
Barrett	Chappell	Edwards of Taylor
Beck	Cheney	Elliott
Bell	Clark	Ennis, J. H.
Bennett of Clarke	Clements of Calhoun	Ennis, Marion
Bennett of Ware	Clements of Marion	Etheridge of Fulton
Blackshear	Cobb	Etheridge of Houston
Blease	Connell	Evans of McDuffie
Bloodworth	Conner	Ferguson of Camden
Boyd of Cook	Cook	Ferguson of Sumter
Boyd of Greene	Corbett	Flanders
Branch	Curry	Ford
Bray	Dallis	Forrester of Crisp

Foster	Kendrick	Sanders
Fowler of Treutlen	Kennedy	Sapp
Franklin of Polk	Key	Sartain
Gaines	Kimbrough	Scott
Gavin	Lanham	Smiley
Gill	Lewis	Smith of Henry
Goddard	Looper	Stiles
Gowen	Lovett	Strickland of Haralson
Graham	Mankin	Strickland of Pierce
Grant	Mason	Sumner
Grayson	Maxwell	Swindle
Greene	McBride	Terrell
Grice	McCracken	Thigpen of Evans
Griffin	McDaniel	Thigpen of Glascock
Gross of Stephens	McGraw	Thornton
Gross of Washington	McNall	Tippins
Guyton	Middleton	Tipton
Harden	Miller	Trippe
Harrison of Jenkins	Mills	Turner
Hatchett	Moore of Lumpkin	Vickery
Henderson	Pannell	Wages
Herndon	Parham	Warren
Hill	Parker	Wells
Hinson	Pierce	Whipple
Holtzendorff	Pilcher	Whitaker
Howard	Purdy	Wiggins
Jackson	Rawlins	Williams of Ware
Joel	Rogers	Wohlwender
Johnson	Roughton	Wright
Jones of Brantley	Rountree	Yeomans
Jones of Paulding	Sabados	
Jones of Richmond	Sams	

Those not voting were Messrs.:

Binion	Douglass	Harvey
Brooks of Jackson	Drake	Hayes
Bush	Edwards of Lowndes	Kaigler
Carter	English	Kelley
Clary	Etheridge of Baker	King
Claxton	Evans of Laurens	Lanier
Clements of Wheeler	Forrester of Dade	Marshall
Coogler	Fowler of Douglas	Merritt
Culpepper of Fayette	Franklin of Bulloch	Moore of Lumpkin
Culpepper of Mitchell	Goolsby	Moore of Taliaferro
Davidson	Hardman	Morgan
Dickerson	Harrison of Crawford	Mosely

Moss	Reid	Summerour
Pharr	Rossee	Tate
Preston	Saunders	Tomlinson
Ragan	Simmons	Williams of Bacon
Rees	Smith of Schley	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill the ayes were 154, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

By Mr. Smiley of Liberty—

House Bill No. 662. A bill to be entitled an Act proposing an amendment to the Constitution, to authorize the Willie Consolidated School District of Liberty County to incur a bonded indebtedness; and for other purposes.

By unanimous consent, the bill was tabled.

By Messrs. Kendrick and Etheridge and Mrs. Mankin of Fulton—

House Bill No. 694

#### A BILL

To be entitled an Act proposing to the qualified voters of the State of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, to require the Fulton County Board of Education to assume and pay all of the principal and interest of the school bond indebtedness of the City of East Point, Georgia, and of Mayor and Council of the City of College Park, Georgia, outstanding and unpaid as of the date said amendment becomes effective and requiring said Board of Education to recommend to the tax levying authorities of Fulton County, Georgia, the levy of a sufficient tax to pay said principal and interest of said bonds at maturity, and to require said tax levying authorities of Fulton County, Georgia, upon such recommendation to levy and collect a sufficient tax, in addition to all taxes now levied, on all the property in Fulton County, Georgia, outside the City of Atlanta, to pay said principal and interest of said bonds as the same become due, and to provide that said bonded indebtedness shall not any longer be regarded as debts of said Municipal Corporations, respectively, insofar as constitutional debt limitation is concerned.

#### SECTION 1.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, which has heretofore been amended, be, and the same is hereby proposed to be further amended, by adding at the end thereof the following language, to-wit:

And except that the Board of Education of Fulton County, in this State, shall,

and is hereby required to, assume and pay, without any election, and without regard to any debt limitation, and as its own obligation, the following school bonds of the City of East Point and of Mayor and Council of the City of College Park, Municipal Corporations of this State, to-wit: (a) All of the unpaid school bonds and indebtedness evidenced thereby, principal and interest, according to the provisions of such bonds and their interest coupons, of the City of East Point, outstanding on the date this amendment is ratified; (b) all of the unpaid school bonds, and the indebtedness evidenced thereby, principal and interest, according to the provisions of such bonds and their interest coupons, of Mayor and Council of the City of College Park, outstanding on the date this amendment is ratified, said College Park school bonds being of date March 1, 1926, aggregating sixty-five thousand (\$65,000.00) dollars principal, and bearing interest from their date at the rate of five (5%) per centum per annum payable semi-annually on March 1st and September 1st of each year, and due and payable as to principal two thousand (\$2,000.00) dollars March 1, 1941; three thousand (\$3,000.00) dollars each year on March 1st of the years 1942, 1943 and 1944; four thousand (\$4,000.00) dollars on March 1, 1945, and five thousand (\$5,000.00) dollars each year on March 1st of the years 1946 to 1955, both inclusive, being the bonds validated in Case No. 67330 in the Superior Court of Fulton County, Georgia. All of said bonds are hereby made the debt and obligation of said Board of Education of Fulton County and shall not hereafter be regarded as debts of said Municipal Corporations, respectively, insofar as constitutional debt limitation is concerned; and for the purpose of paying the principal and interest of said bonds so assumed and made its obligations, said Board of Education of Fulton County shall recommend, and the tax levying authorities of Fulton County, in this State, shall levy upon the property subject to taxation in the territory of said County outside the corporate limits of the City of Atlanta, such tax as may be necessary to provide a sinking fund for the retirement of said bonds and for paying the principal thereof and the interest thereon.

## SECTION 2.

Be it further enacted by the authority aforesaid, and it is hereby enacted by authority of the same, that when said amendment shall have been agreed to by two-thirds vote of the members elected to each of the two houses of the General Assembly, and entered on their Journals, with the "Ayes" and "Nays" thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election in this State, at which proposed amendments to the Constitution of this State may be voted upon, the same shall be submitted for ratification to the qualified voters of this State at said election; and all persons voting at said election in favor of the ratification of said proposed amendment to the Constitution of this State shall have written or printed on their ballots the words, "For amendment of Article 7, Section 7. Paragraph 1, of the Constitution to require the Fulton County Board of Education to assume the school bonds of the City of East Point and of the City of College Park, whose schools have been taken over by the Fulton County Board of Education", and all persons opposing the ratification of said amendment shall have written or printed on their ballots the words, "Against amendment of Article 7, Section 7,

Paragraph 1, of the Constitution to require the Fulton County Board of Education to assume the school bonds of the City of East Point and of the City of College Park, whose schools have been taken over by the Fulton County Board of Education," and if a majority of the qualified voters voting thereon shall vote for ratification thereof, said amendment shall become a part of the Constitution of this State, and the Governor of this State shall make a proclamation thereof.

## SECTION 3.

All laws and parts of laws in conflict with this Act are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Cobb	Fowler of Treutlen
Allen	Connell	Franklin of Bulloch
Allison of Gwinnett	Conner	Franklin of Polk
Allison of White	Cook	Gavin
Almand	Corbett	Gill
Ansley	Culpepper of Mitchell	Goddard
Atkinson	Curry	Gowen
Barlow	Daughtry	Graham
Beck	Davis of Coweta	Grant
Bell	Dean	Greene
Bennett of Clarke	DeFoor	Grice
Bennett of Ware	Dockery	Griffin
Blackshear	Douglass	Gross of Stephens
Blease	Drinkard	Gross of Washington
Boyd of Greene	Easley	Guyton
Brooks of Oglethorpe	Edwards of Taylor	Harden
Bruce	Elliott	Harrison of Jenkins
Bynum	Ennis, J. H.	Hatchett
Campbell	Ennis, Marion	Henderson
Candler	Etheridge of Baker	Herndon
Carmichael of Butts	Etheridge of Fulton	Hill
Carmichael of Cobb	Etheridge of Houston	Hinson
Carrington	Evans of McDuffie	Holtzendorff
Cheney	Ferguson of Camden	Howard
Clark	Ferguson of Sumter	Jackson
Clary	Flanders	Joel
Claxton	Ford	Johnson
Clements of Calhoun	Forrester of Crisp	Jones of Brantley
Clements of Marion	Forrester of Dade	Jones of Richmond
Clements of Wheeler	Fowler of Douglas	Kaigler

Kelley	Parham	Swindle
Kendrick	Parker	Terrell
Kennedy	Pharr	Thigpen of Evans
Key	Pierce	Thigpen of Glascock
Kimbrough	Pilcher	Thornton
King	Purdy	Tippins
Lanham	Rawlins	Tipton
Lewis	Reid	Turner
Looper	Roughton	Vickery
Lovett	Rountree	Wages
Mankin	Sabados	Warren
Mason	Sams	Wells
Maxwell	Sapp	Whipple
McBride	Sartain	Whitaker
McCracken	Smiley	Wiggins
McDaniel	Smith of Henry	Williams of Ware
McGraw	Smith of Schley	Wohlwender
Middleton	Stiles	Wright
Miller	Strickland of Haralson	Yawn
Moore of Lumpkin	Strickland of Pierce	Yeomans
Pannell	Sumner	

Voting in the negative was Mr.:

Foster

Those not voting were Messrs.:

Barrett	Edwards of Lowndes	Morgan
Binion	English	Mosely
Bloodworth	Evans of Laurens	Moss
Boyd of Cook	Gaines	Preston
Branch	Goolsby	Ragan
Bray	Grayson	Rees
Brooks of Jackson	Hardman	Rogers
Bush	Harrison of Crawford	Rossee
Carter	Harvey	Sanders
Chappell	Hayes	Saunders
Coogler	Jones of Paulding	Scott
Culpepper of Fayette	Lanier	Simmons
Dallis	Marshall	Summerour
Davidson	McNall	Tate
Davis of Floyd	Merritt	Tomlinson
Dickerson	Mills	Trippe
Drake	Moore of Taliaferro	Williams of Bacon

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill the ayes were 152, the nays 1.

The bill having received the requisite two-thirds constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

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By Messrs. Sams, Candler and Turner of DeKalb, and Kendrick, Etheridge and Mrs. Mankin of Fulton—

House Bill No. 607.

A BILL  
TO BE ENTITLED

An Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the Board of Education of Fulton County to make temporary loans; to limit the aggregate amount of said loans outstanding at any one time; to provide for the payment of such loans; to provide the method of making such loans; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, which has heretofore been amended, shall be further amended by adding at the end thereof a new sub-paragraph in the following words, to-wit:

“And except that in addition to debts hereinbefore permitted, the Board of Education of Fulton County may make temporary loans from time to time to be evidenced by promissory notes signed by the President of the Board of Education and by the County Superintendent of Schools after the passage of a resolution by a majority of the Board authorizing the same entered on the minutes. No such new loan shall be made after January 1st of any year until all previous loans have been paid, and no new loan shall be made which will bring the aggregate amount of loans hereunder outstanding at the time such new loan is made to an amount in excess of the balance of the income that the Board of Education may be or become entitled to receive from the State appropriation in the fiscal year in which any such loan is made, and the balance that the Board of Education may be or become entitled to receive from taxes in the calendar year in which such new loan is made. Such loans shall be payable out of any revenue received by the Board of Education at any time irrespective of whether or not they are included in the budget or appropriation for such Board of Education.”

Section 2. Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two-thirds vote of the members elected to each House it shall be entered upon the Journal of each House, with the “ayes” and “nays” thereon, and published in one or more newspapers in the Congressional District in this State for two months previous to the time for holding the next general election, and shall, at the next general election, be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, “For ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the Board of Education of Fulton County to make

temporary loans," and all persons opposed to adoption of said amendment shall have written or printed on their ballots the words, "Against ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the Board of Education of Fulton County to make temporary loans", and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof, when the results shall be consolidated as now required by law in elections for members of the General Assembly, the said amendment shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of this State, and the Governor shall make a proclamation thereof, as provided by law.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

The following amendment to House Bill No. 607 was read and adopted:

Mr. Candler of DeKalb moves to amend House Bill No. 607, as follows: By adding in the caption and body of said bill wherever the words "Fulton County" appear, the words "and DeKalb County", so that when amended the provisions of said bill shall apply to DeKalb County in the same manner as to Fulton County.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Bynum	Culpepper of Mitchell
Allen	Campbell	Curry
Allison of Gwinnett	Candler	Daughtry
Allison of White	Carmichael of Butts	Davidson
Almand	Carmichael of Cobb	Davis of Coweta
Ansley	Carrington	Davis of Floyd
Atkinson	Carter	Dean
Barlow	Chappell	DeFoor
Barrett	Cheney	Dockery
Beck	Clark	Drinkard
Bell	Clary	Easley
Bennett of Ware	Claxton	Edwards of Lowndes
Blackshear	Clements of Calhoun	Edwards of Taylor
Blease	Clements of Marion	Elliott
Bloodworth	Clements of Wheeler	Ennis, J. H.
Boyd of Cook	Cobb	Ennis, Marion
Boyd of Greene	Connell	Etheridge of Fulton
Branch	Conner	Etheridge of Houston
Bray	Cook	Evans of McDuffie
Brooks of Oglethorpe	Corbett	Ferguson of Sumter
Bruce	Culpepper of Fayette	Flanders

Ford	Jones of Paulding	Rountree
Forrester of Dade	Jones of Richmond	Sabados
Fowler of Douglas	Kaigler	Sams
Fowler of Treutlen	Kelley	Sapp
Franklin of Bulloch	Kendrick	Sartain
Franklin of Polk	Kennedy	Scott
Gaines	Key	Smiley
Gavin	Kimbrough	Smith of Schley
Gill	King	Stiles
Goddard	Lewis	Strickland of Haralson
Gowen	Lovett	Strickland of Pierce
Graham	Mankin	Sumner
Grant	Mason	Swindle
Grayson	Maxwell	Tate
Greene	McBride	Terrell
Grice	McCracken	Thigpen of Glascock
Griffin	McDaniel	Thornton
Gross of Washington	McGraw	Tipton
Guyton	Middleton	Trippe
Harden	Moore of Lumpkin	Turner
Harrison of Crawford	Morgan	Vickery
Harrison of Jenkins	Mosely	Wages
Harvey	Pannell	Warren
Hatchett	Parham	Wells
Henderson	Parker	Whipple
Herndon	Pharr	Whitaker
Hill	Pierce	Wiggins
Hinson	Pilcher	Williams of Bacon
Holtzendorff	Purdy	Williams of Ware
Howard	Ragan	Wohlwender
Jackson	Rawlins	Yawn
Joel	Reid	Yeomans
Jones of Brantley	Roughton	

Voting in the negative was Mr.:

Foster

Those not voting were Messrs.:

Bennett of Clarke	Drake	Hardman
Binion	English	Hayes
Brooks of Jackson	Etheridge of Baker	Johnson
Bush	Evans of Laurens	Lanham
Coogler	Ferguson of Camden	Lanier
Dallis	Forrester of Crisp	Looper
Dickerson	Goolsby	Marshall
Douglass	Gross of Stephens	McNall

Merritt	Rees	Smith of Henry
Miller	Rogers	Summerour
Mills <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Rossee	Thigpen of Evans
Moore of Taliaferro	Sanders	Tippins
Moss	Saunders	Tomlinson
Preston	Simmons	Wright

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill the ayes were 161, the nays 1.

The bill having received the requisite two-thirds constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Mr. Strickland of Haralson—

House Resolution No. 118-453A. A resolution providing that the State Board of Education, the State School Superintendent, and the school officials of this State be directed to follow the law so that three-fourths of the funds available shall be used for teachers' salaries.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution the ayes were 116, the nays 0.

The resolution having received the requisite constitutional majority was adopted.

By Mr. Chappell of Sumter—

House Bill No. 681. A bill to be entitled an Act to create and establish a joint committee of the House and Senate to conduct investigations and make recommendations to the General Assembly concerning economy and efficiency in the State government; and for other purposes.

Mr. Lovett of Laurens moved that the bill be referred to a subcommittee to report back to the House within one hour, and the motion prevailed.

As a subcommittee, the Speaker appointed the following members of the House, to-wit:

Messrs. Grayson of Chatham,  
 Chappell of Sumter, and  
 Lovett of Laurens.

By Mr. Dean of Rockdale—

House Bill No. 478. A bill to be entitled an Act to provide for the distribution

of funds received from State Highway contracts with counties; and for other purposes.

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Mr. Chappell of Sumter moved the previous question, the motion prevailed, and the main question was ordered.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the ayes were 120, the nays 1.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Messrs. Blackshear and Terrell of Hall—

House Bill No. 244. A bill to be entitled an Act to provide an appropriation from the State Treasurer for the purpose of purchasing law books for the County of Hall; and for other purposes.

The House was resolved into the Committee of the Whole House, to consider House Bill No. 244, special appropriation, and the Speaker designated Mr. Clary of Columbia as the Chairman thereof.

The Committee of the Whole House arose and through its Chairman reported the bill back to the House with the recommendation that the same do pass, as amended.

The following Committee amendment to House Bill No. 244 was read and adopted:

The Committee moves to amend House Bill No. 244 by striking from Section 1 the words, "Georgia and Southeastern Digest and Georgia Code of 1933 annotated", and by striking the figures "\$1210.25" and inserting in lieu the figures "\$750.00, or so much thereof as may be necessary to purchase Georgia Reports and Georgia Appeals"

The report of the Committee, which was favorable to the passage of the bill, as amended, was agreed to.

On the passage of the bill the roll call was ordered, and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Bell	Boyd of Greene
Allison of Gwinnett	Bennett of Clarke	Branch
Allison of White	Bennett of Ware	Bray
Almand	Blackshear	Brooks of Jackson
Ansley	Blease	Bruce
Barlow	Bloodworth	Bush
Barrett	Boyd of Cook	Bynum

Campbell	Gill	Moore of Lumpkin
Candler	Goddard	Morgan
Carmichael of Butts	Gowen	Pannell
Carmichael of Cobb	Graham	Parham
Carrington	Grant	Parker
Cheney	Grayson	Pharr
Clark	Greene	Pilcher
Clary	Grice	Purdy
Claxton	Griffin	Ragan
Clements of Marion	Gross of Washington	Rawlins
Clements of Wheeler	Guyton	Reid
Cobb	Harrison of Crawford	Rogers
Conner	Harrison of Jenkins	Roughton
Cook	Harvey	Rountree
Corbett	Hatchett	Sabados
Culpepper of Mitchell	Hayes	Sams
Curry	Henderson	Sanders
Daughtry	Herndon	Sapp
Davidson	Hill	Sartain
Davis of Coweta	Hinson	Scott
Davis of Floyd	Holtzendorff	Smiley
Dean	Howard	Smith of Henry
DeFoor	Jackson	Smith of Schley
Dockery	Johnson	Stiles
Drinkard	Jones of Brantley	Strickland of Haralson
Edwards of Lowndes	Jones of Paulding	Strickland of Pierce
Edwards of Taylor	Jones of Richmond	Sumner
Ennis, J. H.	Kendrick	Swindle
Ennis, Marion	Kennedy	Tate
Etheridge of Fulton	Key	Terrell
Etheridge of Houston	Kimbrough	Thigpen of Glascock
Evans of McDuffie	King	Thornton
Ferguson of Camden	Lanham	Tippins
Ferguson of Sumter	Looper	Tipton
Flanders	Lovett	Trippe
Ford	Mankin	Turner
Forrester of Crisp	Mason	Warren
Fowler of Douglas	Maxwell	Whitaker
Fowler of Treutlen	McBride	Williams of Bacon
Franklin of Bulloch	McCracken	Williams of Ware
Franklin of Polk	McDaniel	Wohlwender
Gaines	McGraw	Yawn
Gavin	McNall	Yeomans

Voting in the Negative was Mr.:

Foster

Those not voting were Messrs.:

Allen	Etheridge of Baker	Mosely
Atkinson	Evans of Laurens	Moss
Beck	Forrester of Dade	Pierce
Binion	Goolsby	Preston
Brooks of Oglethorpe	Gross of Stephens	Rees
Carter	Harden	Rossee
Chappell	Hardman	Saunders
Clements of Calhoun	Joel	Simmons
Connell	Kaigler	Summerour
Coogler	Kelley	Thigpen of Evans
Culpepper of Fayette	Lanier	Tomlinson
Dallis	Lewis	Vickery
Dickerson	Marshall	Wages
Douglass	Merritt	Wells
Drake	Middleton	Whipple
Easley	Miller	Wiggins
Elliott	Mills	Wright
English	Moore of Taliaferro	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 151, the nays 1.

The bill having received the requisite constitutional majority was passed, as amended.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Mr. Key of Jasper—

House Bill No. 761. A bill to be entitled an Act to appropriate money for the maintenance of the Legislative Department; and for other purposes.

The House was resolved into the Committee of the Whole House, to consider House Bill No. 761, special appropriation, and the Speaker designated Mr. Marion Ennis of Baldwin as the Chairman thereof.

The Committee of the Whole House arose, and through its Chairman reported the bill back to the House with the recommendation that the same do pass.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Almand	Atkinson
Allison of Gwinnett	Ansley	Barlow

Barrett	Evans of McDuffie	McDaniel
Bell	Ferguson of Camden	McGraw
Bennett of Clarke	Ferguson of Sumter	Middleton
Bennett of Ware	Flanders	Moore of Lumpkin
Blackshear	Fowler of Douglas	Moore of Taliaferro
Blease	Fowler of Treutlen	Morgan
Bloodworth	Franklin of Bulloch	Pannell
Boyd of Greene	Franklin of Polk	Parham
Branch	Gavin	Parker
Brooks of Jackson	Gill	Pharr
Brooks of Oglethorpe	Goddard	Pierce
Bruce	Gowen	Pilcher
Campbell	Graham	Purdy
Candler	Grant	Ragan
Carmichael of Cobb	Greene	Rogers
Chappell	Grice	Rountree
Cheney	Griffin	Sabados
Clark	Guyton	Sams
Claxton	Harden	Sanders
Clements of Calhoun	Harrison of Jenkins	Sapp
Clements of Marion	Harvey	Smiley
Clements of Wheeler	Hatchett	Smith of Henry
Cobb	Henderson	Smith of Schley
Conner	Herndon	Stiles
Cook	Hinson	Strickland of Haralson
Corbett	Holtzendorff	Strickland of Pierce
Culpepper of Fayette	Howard	Sumner
Curry	Jackson	Swindle
Dallis	Johnson	Tate
Daughtry	Jones of Brantley	Terrell
Davidson	Jones of Paulding	Thigpen of Glascock
Davis of Coweta	Jones of Richmond	Thornton
Davis of Floyd	Kendrick	Tippins
Dean	Kennedy	Tipton
DeFoor	Key	Trippe
Dockery	Kimbrough	Turner
Drinkard	King	Vickery
Edwards of Taylor	Lanham	Warren
Elliott	Looper	Wells
Ennis, J. H.	Lovett	Whitaker
Ennis, Marion	Mankin	Williams of Bacon
Etheridge of Baker	Maxwell	Williams of Ware
Etheridge of Fulton	McBride	Wohlwender
Etheridge of Houston	McCracken	Yeomans

Those voting in the negative were Messrs.:

Bynum	Foster	Scott
Ford	Gross of Washington	
Forrester of Crisp	Sartain	

Those not voting were Messrs.:

Allen	Evans of Laurens	Mills
Allison of White	Forrester of Dade	Mosely
Beck	Gaines	Moss
Binion	Goolsby	Preston
Boyd of Cook	Grayson	Rawlins
Bray	Gross of Stephens	Rees
Bush	Hardman	Reid
Carmichael of Butts	Harrison of Crawford	Rossee
Carrington	Hayes	Roughton
Carter	Hill	Sapp
Clary	Joel	Saunders
Connell	Kaigler	Simmons
Coogler	Kelley	Summerour
Culpepper of Mitchell	Lanier	Thigpen of Evans
Dickerson	Lewis	Tomlinson
Douglass	Marshall	Wages
Drake	Mason	Whipple
Easley	McNall	Wiggins
Edwards of Lowndes	Merritt	Wright
English	Miller	Yawn

By unanimous consent, the verification of the roll call was dispensed with.

On the passage of the bill the ayes were 138, the nays 7.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Mr. McBride of Montgomery—

House Bill No. 407. A bill to be entitled an Act to prevent the spread of hog cholera; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the ayes were 133, the nays 1.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Messrs. Hatchett of Meriwether and Harris of Richmond—

House Bill No. 554. A bill to be entitled an Act to repeal Section 32-1601 of the Code relating to the enumeration of school children; and Sections 32-1602 and 32-1603; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the ayes were 108, the nays 1.

The bill having received the requisite constitutional majority was passed.

By Messrs. Marion and J. H. Ennis of Baldwin and Lanham and Davis of Floyd—

House Bill No. 760. A bill to be entitled an Act to appropriate a sum of money to the State Department of Public Welfare for certain uses; and for other purposes.

The House was resolved into the Committee of the Whole House, to consider House Bill No. 760, special appropriation, and the Speaker designated Mr. Harrison of Jenkins as the Chairman thereof.

The Committee of the Whole House arose, and through its Chairman reported the bill back to the House with the recommendation that same do pass.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Candler	Daughtry
Allison of Gwinnett	Carmichael of Cobb	Davidson
Allison of White	Carrington	Davis of Floyd
Almand	Chappell	Dockery
Ansley	Cheney	Edwards of Lowndes
Atkinson	Clary	Edwards of Taylor
Barlow	Claxton	Ennis, J. H.
Bennett of Ware	Clements of Calhoun	Ennis, Marion
Blease	Clements of Marion	Etheridge of Baker
Bloodworth	Clements of Wheeler	Etheridge of Fulton
Boyd of Greene	Connell	Etheridge of Houston
Branch	Conner	Ferguson of Camden
Bray	Cook	Ferguson of Sumter
Brooks of Jackson	Corbett	Flanders
Brooks of Oglethorpe	Culpepper of Fayette	Ford
Bruce	Curry	Fowler of Treutlen
Bynum	Dallis	Franklin of Bulloch

Gill	King	Sanders
Goddard	Lanham	Sartain
Gowen	Lewis	Scott
Graham	Looper	Smiley
Grayson	Lovett	Smith of Schley
Greene	Mankin	Stiles
Grice	Marshall	Strickland of Haralson
Griffin	Mason	Strickland of Pierce
Gross of Washington	McDaniel	Sumner
Guyton	McGraw	Swindle
Harrison of Crawford	McNall	Tate
Harrison of Jenkins	Middleton	Terrell
Harvey	Mills	Thigpen of Glascock
Hatchett	Moore of Taliaferro	Thornton
Hayes	Parham	Tippins
Henderson	Parker	Trippe
Herndon	Pharr	Turner
Hill	Pilcher	Vickery
Holtzendorff	Purdy	Wells
Howard	Ragan	Whipple
Jackson	Rawlins	Whitaker
Jones of Richmond	Rogers	Wiggins
Kelley	Rossee	Williams of Bacon
Kendrick	Roughton	Williams of Ware
Kennedy	Rountree	Yeomans
Key	Sabados	
Kimbrough	Sams	

Those voting in the negative were Messrs.:

Dean	Forrester of Crisp	Jones of Brantley
Elliott	Foster	Smith of Henry
Evans of McDuffie	Grant	Wohlwender

Those not voting were Messrs.:

Allen	Clark	Evans of Laurens
Barrett	Cobb	Forrester of Dade
Beck	Coogler	Fowler of Douglas
Bell	Culpepper of Mitchell	Franklin of Polk
Bennett of Clarke	Davis of Coweta	Gaines
Binion	DeFoor	Gavin
Blackshear	Dickerson	Goolsby
Boyd of Cook	Douglass	Grant
Bush	Drake	Gross of Stephens
Campbell	Drinkard	Harden
Carmichael of Butts	Easley	Hardman
Carter	English	Hinson

Joel	Moore of Lumpkin	Saunders
Johnson	Morgan	Simmons
Jones of Paulding	Mosely	Summerour
Kaigler	Moss	Thigpen of Evans
Lanier	Pannell	Tipton
Maxwell	Pierce	Tomlinson
McBride	Preston	Wages
McCracken	Rees	Warren
Merritt	Reid	Wright
Miller	Sapp	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill the ayes were 130, the nays 9.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

The following report of the subcommittee appointed to consider House Bill No. 681 was read and adopted:

Mr. Speaker:

Your Committee of the House appointed to confer and agree on a satisfactory substitute for House Bill No. 681 has met and unanimously agree and hereby recommend the adoption of the following substitute for House Bill No. 681 and all substitutes and amendments:

House Conferees:

Grayson of Chatham,  
Lovett of Laurens,  
Chappell of Sumter.

The following substitute to House Bill No. 681 was read and adopted:

#### A RESOLUTION

Whereas, The Economy Committee of the House of Representatives, of the General Assembly of the State of Georgia, composed of Lanier of Richmond, Chairman; Carmichael of Cobb, Vice-Chairman; Blackshear of Hall, Rees of Webster, and Connell of Lowndes, has been working earnestly and untiringly since their appointment, and

Whereas, They are doing a most thorough job in the interest of economy, and

Whereas, Their recommendations are of such a character that a real saving for the State may be effected by carrying out said recommendations, and

Whereas, They have merely scratched the surface of many departments of the State government, and  
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Whereas, Working both day and night they cannot hope to complete a searching investigation before the General Assembly adjourns sine die, and

Whereas, The General Assembly of the State of Georgia commends the membership of this Committee for their untiring efforts, and

Whereas, It is the desire of the General Assembly that they be given ample time to fully complete the duties for which they were appointed, therefore,

Be it resolved by the House of Representatives, the Senate concurring, that the members of this Committee, together with a similar Committee of the Senate, not to exceed three in number, be, and they are, authorized to continue their work, after the adjournment of the General Assembly, for a period of time not to exceed the 1st day of June, 1939, and during said period of time the membership of said Committee shall receive as compensation for their labors a per diem of ten (\$10.00) dollars for each day of actual service rendered by them, and the State Treasurer is authorized and directed to pay the membership of said Committee the per diem as set forth above.

Be it further resolved, That said Committee is authorized and empowered to report all their findings and all their recommendations which they deem expedient and economical to the Governor of the State of Georgia from time to time, and upon the completion of their work they are further authorized to make any recommendations affecting any department of the State government which they believe will effect economy, or which would tend to better organize or reorganize any department or departments of the State government.

Be it further resolved, That the funds appropriated hereunder be paid from funds appropriated for the expense of the Legislature. The Committee is further empowered to continue the employment of the Secretary-Reporter, who shall be paid by the State Treasurer upon bills approved by the Chairman and Vice-Chairman of the Committee from funds appropriated for the Legislature.

The report of the Committee, which was agreeable to the passage of the bill, was agreed to, by substitute.

On the passage of the bill, by substitute, the ayes were 120, the nays 3.

The bill having received the requisite constitutional majority was passed, by substitute.

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the House were taken up for consideration and read the third time:

By Messrs. Mason of Morgan, Whipple of Bleckley, Lanham and Davis of Floyd—

House Bill No. 812. A bill to be entitled an Act to create an Advisory Council to be known as the Georgia Advisory Council; and for other purposes.

The following amendment to House Bill No. 812 was read and adopted:

~~Mr. Mason of Morgan~~ moves to amend House Bill No. 812 by striking from Section 4 the first and second paragraphs in their entirety. Further moves to amend House Bill No. 812 by adding a new paragraph to be appropriately numbered and to read as follows: "all laws or parts of laws in conflict with this Act be and they are hereby repealed." And to amend caption accordingly.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 70, the nays 45.

The bill having failed to receive the requisite constitutional majority was lost.  
By Messrs. Sabados and Allen of Dougherty—

House Bill No. 809. A bill to be entitled an Act to amend Section 855 of Park's 1914 annotated Code of Georgia, so as to authorize persons holding office under municipal corporations in Georgia to sell goods, wares and merchandise to municipality in counties of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill the ayes were 115, the nays 1.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Mr. Davis of Floyd—

House Bill No. 436. A bill to be entitled an Act to amend Section 32-100 of the Civil Code of 1933, so as to change the qualifications of the County Superintendent of Schools in all counties of a certain population; and for other purposes.

The following amendment to House Bill No. 436 was read and adopted:

Mr. Maxwell of Muscogee moves to amend House Bill No. 436 by striking from the sixth line of the second paragraph of Section 2 thereof the words "or in lieu of a Bachelor's Degree" and substitute in the place thereof the words "or in lieu thereof"

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, as amended, the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

By Messrs. Campbell of Newton and Gill of Bryan—

House Bill No. 649. A bill to be entitled an Act to regulate political primary elections for the nomination of candidates for the State Senate; and for other purposes. [www.libtool.com.cn](http://www.libtool.com.cn)

The following Committee substitute to House Bill No. 649 was read and adopted:

### A BILL

To be entitled an Act to regulate political primary elections for the nominations of candidates for the State Senate; to provide that such primary elections shall be held in the various Senatorial Districts only in the county entitled to furnish the nominees under the rotation system; and for other purposes.

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. That hereafter every political primary election held by any political party, organization or association for the purpose of selecting candidates for the office of State Senator from any of the Senatorial Districts of this State, as provided for by the Constitution, shall be held only in the county whose turn it is to furnish the nominee of such party as a candidate for the office under the rotation system as same was of force prior to January, 1936.

Section 2. The candidate entitled to said nomination as the result of the primary under the rules and regulations prescribed by the Executive Committee or other party organization of the county whose turn it is to furnish such nominee under such rotation system shall be the nominee of such party for State Senator from any such District for the ensuing term and no other person shall qualify or have his name placed upon the ballot as the nominee of such party for said office.

The report of the Committee, which was favorable to the passage of the bill, by Substitute, was agreed to.

On the passage of the bill, by substitute, Mr. Campbell of Newton moved the ayes, and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allen	Boyd of Cook	Clements of Wheeler
Allison of Gwinnett	Boyd of Greene	Cobb
Allison of White	Bray	Connell
Almand	Bynum	Conner
Ansley	Campbell	Cook
Barlow	Carrington	Corbett
Beck	Chappell	Culpepper of Fayette
Bennett of Ware	Clary	Curry
Blackshear	Claxton	Daughtry
Blease	Clements of Calhoun	Davidson
Bloodworth	Clements of Marion	Davis of Coweta

Dean	Guyton	Pharr
DeFoor	Harden	Pilcher
Dockery	Harrison of Jenkins	Rawlins
Douglass	Hatchett	Rees
Drake	Herndon	Reid
Drinkard	Hinson	Rogers
Edwards of Lowndes	Holtzendorff	Roughton
Edwards of Taylor	Jackson	Rountree
Ennis, J. H.	Johnson	Sabados
Etheridge of Baker	Jones of Brantley	Sartain
Etheridge of Fulton	Jones of Paulding	Saunders
Evans of McDuffie	Jones of Richmond	Smiley
Ferguson of Camden	Kaigler	Smith of Henry
Flanders	Kelley	Smith of Schley
Ford	Kennedy	Strickland of Haralson
Forrester of Crisp	Key	Strickland of Pierce
Foster	Kimbrough	Sumner
Fowler of Douglas	Lanham	Swindle
Fowler of Treutlen	Lovett	Terrell
Gaines	Mankin	Thigpen of Glascock
Gavin	Marshall	Tippins
Gill	Mason	Tomlinson
Goddard	McCracken	Vickery
Gowen	McGraw	Warren
Graham	Middleton	Wells
Greene	Mills	Whitaker
Grice	Pannell	Wiggins
Griffin	Parham	Williams of Bacon
Gross of Washington	Parker	Yeomans

Those voting in the negative were Messrs.:

Atkinson	Dallis	McNall
Branch	Elliott	Morgan
Brooks of Jackson	Grayson	Sams
Candler	Harvey	Tate
Carmichael of Cobb	Lewis	Wohlwender
Cheney	Maxwell	

Those not voting were Messrs.:

Aiken	Bush	Dickerson
Barrett	Carmichael of Butts	Easley
Bell	Carter	English
Bennett of Clarke	Clark	Ennis, Marion
Binion	Coogler	Etheridge of Houston
Brooks of Oglethorpe	Culpepper of Mitchell	Evans of Laurens
Bruce	Davis of Floyd	Ferguson of Sumter

Forrester of Dade	Looper	Scott
Franklin of Bulloch	McBride	Simmons
Franklin of Polk	McDaniel	Stiles
Goolsby	Merritt	Summerour
Grant	Miller	Thigpen of Evans
Gross of Stephens	Moore of Lumpkin	Thornton
Hardman	Moore of Taliaferro	Tipton
Harrison of Crawford	Mosely	Trippe
Hayes	Moss	Turner
Henderson	Pierce	Wages
Hill	Preston	Whipple
Howard	Purdy	Williams of Ware
Joel	Ragan	Wright
Kendrick	Rossee	Yawn
King	Sanders	
Lanier	Sapp	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, by substitute, the ayes were 120, the nays 17.

The bill having received the requisite constitutional majority was passed, by substitute.

Mr. Davis of Coweta moved that the House do now adjourn until 9 o'clock tomorrow morning.

By Mr. Allison of Gwinnett—

House Bill No. 759. A bill to be entitled an Act to appropriate certain sums of money to the State Veterinarian for tests on Bang's disease; and for other purposes.

The House was resolved into the Committee of the Whole House, to consider House Bill No. 759, Bang's disease bill, and the Speaker designated Mr. Claxton of Johnson, as chairman thereof.

The Committee of the Whole House arose, and through its chairman reported the bill back to the House with the recommendation that same do pass.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Barlow	Blease
Allison of Gwinnett	Beck	Boyd of Cook
Almand	Bennett of Ware	Boyd of Greene
Atkinson	Blackshear	Branch

Bray	Fowler of Douglas	Pharr
Brooks of Jackson	Fowler of Treutlen	Pilcher
Bruce	Gavin	Rawlins
Bynum	Gill	Rees
Candler	Gowen	Reid
Carmichael of Cobb	Graham	Rogers
Carrington	Greene	Roughton
Chappell	Grice	Sabados
Cheney	Griffin	Sams
Clary	Gross of Washington	Sartain
Claxton	Guyton	Saunders
Clements of Calhoun	Harrison of Jenkins	Smiley
Clements of Marion	Harvey	Smith of Schley
Clements of Wheeler	Hatchett	Strickland of Haralson
Cobb	Herndon	Strickland of Pierce
Connell	Hinson	Sumner
Conner	Holtzendorff	Swindle
Cook	Howard	Tate
Corbett	Jackson	Terrell
Dallis	Jones of Brantley	Thigpen of Glascock
Daughtry	Jones of Richmond	Tippins
Davis of Coweta	Kennedy	Tomlinson
Davis of Floyd	Key	Turner
DeFoor	Kimbrough	Vickery
Dockery	Lanham	Wages
Douglass	Mankin	Warren
Drake	Mason	Wells
Edwards of Lowndes	McCracken	Whipple
Edwards of Taylor	McGraw	Whitaker
Elliott	Middleton	Wiggins
Ennis, J. H.	Mills	Williams of Bacon
Etheridge of Fulton	Morgan	Wohlwender
Ferguson of Sumter	Pannell	Yeomans
Ford	Parham	
Foster	Parker	

Those voting in the negative were Messrs.:

Ansley	Evans of McDuffie	Jones of Paulding
Drinkard	Forrester of Crisp	Smith of Henry

Those not voting were Messrs.:

Allen	Binion	Carmichael of Butts
Allison of White	Bloodworth	Carter
Barrett	Brooks of Oglethorpe	Clark
Bell	Bush	Coogler
Bennett of Clarke	Campbell	Culpepper of Fayette

Culpepper of Mitchell	Hardman	Moore of Taliaferro
Curry	Harrison of Crawford	Mosely
Davidson	Hayes	Moss
Dean	Henderson	Pierce
Dickerson	Hill	Preston
Easley	Joel	Purdy
English	Johnson	Ragan
Ennis, Marion	Kaigler	Rossee
Etheridge of Baker	Kelley	Rountree
Etheridge of Houston	Kendrick	Sanders
Evans of Laurens	King	Sapp
Ferguson of Camden	Lanier	Scott
Flanders	Lewis	Simmons
Forrester of Dade	Looper	Stiles
Franklin of Bulloch	Lovett	Summerour
Franklin of Polk	Marshall	Thigpen of Evans
Gaines	Maxwell	Thornton
Goddard	McBride	Tipton
Goolsby	McDaniel	Trippe
Grant	McNall	Williams of Ware
Grayson	Merritt	Wright
Gross of Stephens	Miller	Yawn
Harden	Moore of Lumpkin	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 115, the nays 6.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

Mr. Wohlwender of Muscogee moved that the House do now adjourn until 9:00 o'clock, tomorrow morning, and the motion was lost.

Under the special and continuing order of business, established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Mr. Herndon of Hart—

House Bill No. 245. A bill to be entitled an Act to limit civil liability of owners and operators of motor vehicles; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 74, the nays 29.

The bill having failed to receive the requisite constitutional majority, was lost.

By unanimous consent, the following Committee Reports were read:

Mr. Sams of DeKalb County, Chairman of the Committee on Municipal Government, submitted the following report:

Mr. Speaker:

Your Committee on Municipal Government have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 217. Do pass.

The following House bills, at the request of their authors, be returned to the Clerk's files and do not pass; being bills Nos. 168, 511, 630, 769, and 815.

Respectfully submitted,

Sams of DeKalb, Chairman.

Mr. Carmichael of Cobb County, Chairman of the Committee on Amendments to Constitution No. 2, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 2 have had under consideration the following bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 202. Do pass.

Respectfully submitted,

Carmichael of Cobb, Chairman.

Mr. Smith of Henry County, Chairman of the Committee on Public Utilities, submitted the following report:

Mr. Speaker:

Your Committee on Public Utilities have had under consideration the following bill of the House and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

House Bill No. 66. Do pass.

Respectfully submitted,

Smith of Henry, Chairman.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate insists on its position on the following bill of the House, to-wit:

By Mr. Culpepper of Fayette—

~~House Bill No. 637~~ A bill to be entitled an Act to create a State Division of Confederate Pensions and Records; and for other purposes.

The President has appointed as a committee of conference on the part of the Senate to confer with a like committee on the part of the House:

Senators Harrell of the 7th,

Smith of the 24th, and

Daves of the 14th.

By unanimous consent, the following bills of the House and Senate, favorably reported, were read the second time:

By Mr. Edwards of Lowndes—

House Bill No. 66. A bill to be entitled an Act to prohibit telephone companies from making report charges on telephone calls, or from making extra charges for equipment; and for other purposes.

By Senator Cail of the 17th District—

Senate Bill No. 202. A bill to be entitled an Act to propose to the qualified voters an amendment to Article 7, Section 7, Paragraph 1, of the Constitution, so as to authorize the City of Sylvania to incur a bonded indebtedness; and for other purposes.

By Senator Brinson of the 42nd District—

Senate Bill No. 217. A bill to be entitled an Act to amend the charter of the City of Summerville; and for other purposes.

Mr. Clary of Columbia moved that the House do now adjourn until tomorrow morning at 9:00 o'clock, and the motion prevailed.

The Speaker announced the House adjourned until tomorrow morning at 9:00 o'clock.

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Friday, March 17, 1939.

The House met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

By unanimous consent, the call of the roll was dispensed with.

Mr. Jones of Richmond, Acting-Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business, during the first period of unanimous consents:

1. Reports of Standing Committees.
2. Second reading of bills and resolutions, favorably reported.
3. Third reading and passage of local uncontested bills and resolutions.

Mr. Scott of Thomas County, Chairman of the Committee on Counties and County Matters, submitted the following report:

Mr. Speaker:

Your Committee on Counties and County Matters have had under consideration the following bills of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 222. Do pass.

Senate Bill No. 230. Do pass.

Senate Bill No. 227. Do pass.

Respectfully submitted,

Scott of Thomas, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills of the House, to-wit:

House Bills Nos. 218, 757, 793.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Williams of Bacon County, Chairman of the Committee on Game and Fish, submitted the following report:

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Mr. Speaker:

Your Committee on Game and Fish have had under consideration the following bills of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 198. Do pass.

Senate Bill No. 190. Do pass.

Senate Bill No. 180. Do pass.

Respectfully submitted,

Williams of Bacon, Chairman.

Mr. Swindle of Berrien County, Chairman of the Committee on General Agriculture No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Agriculture No. 1 have had under consideration the following bills of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 179. Do pass.

Senate Bill No. 218. Do pass.

Respectfully submitted,

Swindle of Berrien, Chairman.

Mr. Atkinson of Chatham County, Chairman of the Committee on General Judiciary No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 1 have had under consideration the following bills of the House and Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

House Bill No. 558. Do not pass.

House Bill No. 671. Do not pass.

House Bill No. 587. Do not pass.

House Bill No. 705. Do not pass.

House Bill No. 271. Do not pass.

House Bill No. 736. Do not pass.

House Bill No. 26. Do not pass.

House Bill No. 161. Do not pass.

House Bill No. 134. Do not pass.

House Bill No. 313. Do not pass.

House Bill No. 564. Do not pass.

House Bill No. 227. Do not pass.

House Bill No. 7. Do not pass.

House Bill No. 183. Do not pass.

Senate Bill No. 11. Do not pass.

Respectfully submitted,

Atkinson of Chatham, Chairman.

Mr. Atkinson of Chatham County, Chairman of the Committee on General Judiciary No. 1, submitted the following report:

Mr. Speaker:

Your Committee on General Judiciary No. 1 have had under consideration the following bills of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendations:

Senate Bill No. 210. Do pass.

Senate Bill No. 142. Do not pass.

Respectfully submitted,

Atkinson of Chatham, Chairman.

By unanimous consent, the following bills of the Senate, favorably reported, were read the second time:

By Senators Brown of the 4th, Thrasher of the 27th and Brooks of the 8th Districts—

Senate Bill No. 179. A bill to be entitled an Act to amend an Act approved February 16, 1938 (Georgia Laws, Extra Session, 1937-1938, pages 332-337), authorizing the Commissioner of Agriculture to promulgate rules and regulations in reference to the sanitation, distribution and transportation of fish and sea foods; and for other purposes.

By Senators Brown of the 4th, Thrasher of the 27th and Brooks of the 8th Districts—

Senate Bill No. 180. A bill to be entitled an Act to repeal Section 45-210 of the

Code relating to license fees levied on commercial fishing boats, by providing for an additional license on aliens or non-residents; and for other purposes.

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By Senator Thrasher of the 27th District—

Senate Bill No. 190. A bill to be entitled an Act to amend Section 45-801 of the Georgia Code of 1933, by requiring persons owning or leasing oyster beds in this State to register with the Tide Water Commission a private mark; and for other purposes.

By Senator Thrasher of the 27th District—

Senate Bill No. 198. A bill to be entitled an Act to amend Section 45-601 of the Code of 1933, by changing the open season during which shad may be taken from the waters of this State; and for other purposes.

By Senators Manning of the 39th and Spivey of the 16th Districts—

Senate Bill No. 210. A bill to be entitled an Act to amend Georgia Laws, 1935, pages 367-368 (An Act to promote Public Health, etc.), by prohibiting certain endurance contests; and for other purposes.

By Senators Smith of the 24th and Lindsay of the 34th Districts—

Senate Bill No. 218. A bill to be entitled an Act establishing and creating a public corporation to be known as the Atlanta Produce Market Authority; and for other purposes.

By Senator Causey of the 46th District—

Senate Bill No. 222. A bill to be entitled an Act to authorize the ordinary or other official or officials in charge of the fiscal affairs of the county to pay the premiums on surety company bonds of tax receivers, tax collectors and tax commissioners; and for other purposes.

By Senator Jordan of the 15th District—

Senate Bill No. 227. A bill to be entitled an Act to abolish the offices of Tax Collector and Tax Receiver of Wheeler County; to create the office of Tax Commissioner; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 230. A bill to be entitled an Act to amend Code Section 92-3715 of 1933, as amended by the Act approved March 31, 1937, pages 444-446, by striking the words "one and one-fourth mills" where the same occur in said Code section, as amended, and inserting in lieu thereof "three mills"; and for other purposes.

By unanimous consent, the following bill of the Senate was read the third time and placed upon its passage:

By Senator Dawson of the 2nd District—

Senate Bill No. 196. A bill to be entitled an Act to repeal the Act abolishing the office of Tax Collector of Liberty County; and for other purposes.

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The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senator Cail of the 17th District—

Senate Bill No. 71. A bill to be entitled an Act to provide for the holding of four terms of the Superior Court in each year in Screven County, prescribe the time for holding same; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Brinson of the 42nd District—

Senate Bill No. 217. A bill to be entitled an Act to amend the charter of the City of Summerville; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

The following report of the Committee on Rules was read and adopted:

Mr. Speaker:

Your Committee on Rules having had under consideration the fixing of a calendar have established as a special and continuing order of business beginning immediately the following:

- 1.—Senate Bill No. 14. Providing for peach on tags.
- 2.—Senate Bill No. 69. Libel bill.
- 3.—Senate Bill No. 98. R. E. A. Condemnation.
- 4.—Senate Bill No. 144. Co-operative marketing.
- 5.—Senate Bill No. 5. Reference to highway refunding certificates.

- 6.—House Resolution No. 158. Veterans committee.
- 7.—Senate Bill No. 146. Highway bill.
- 8.—Senate Bill No. 3. Repealing the boxing commission.
- 9.—Senate Bill No. 181. Reference to court costs.
- 10.—Senate Bill No. 186. Prison Commission.
- 11.—Senate Bill No. 117. To authorize and regulate the practice of Chiropractic.
- 12.—Senate Bill No. 200. Railroad crossing.
- 13.—Senate Bill No. 185. School bill.
- 14.—House Resolution No. 181-787B. Committee expenses.
- 15.—Senate Bill No. 219. Tax Receivers.
- 16.—Senate Bill No. 58. Homestead Exemption.
- 17.—Senate Bill No. 131. Lawyers bill.
- 18.—Senate Bill No. 84. University bill.
- 19.—Senate Bill No. 172. W and A. bill.
- 20.—Senate Bill No. 32. Housing bills.
- 21.—Senate Bill No. 33. Housing bills.
- 22.—Senate Bill No. 34. Housing bills.
- 23.—Senate Bill No. 35. Housing bills.
- 24.—Senate Bill No. 36. Housing bills.
- 25.—Senate Bill No. 136. Coastal Highway.
- 26.—Senate Bill No. 138. Coastal Highway.
- 27.—Senate Bill No. 65. Witnesses.
- 28.—Senate Bill No. 156. City Charter.
- 29.—Senate Bill No. 126. Divorce.
- 30.—Senate Bill No. 203. Industrial Board.
- 31.—Senate Bill No. 27. Defaults.
- 32.—Senate Bill No. 109. Misdemeanor convicts.
- 33.—Senate Bill No. 206. Bankruptcy.
- 34.—Senate Bill No. 25. Hunting in Screven County.

35.—Senate Bill No. 182. Relating to damages for cutting growing timber.

The Speaker is authorized to call up any constitutional amendments and general bills with local application in his discretion and to call the bills on this calendar in the order he wishes.

Respectfully submitted,

Gross, of Stephens, Vice-Chairman.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House, to-wit:

By Messrs. Goddard and Purdy of Spalding—

House Bill No. 225. A bill requiring a deposit of \$10.00 by the plaintiff in divorce cases filed in Superior Court in counties with a population between 23,400 and 24,400; and for other purposes.

By Messrs. Almand and Preston of Walton—

House Bill No. 266. A bill providing for the removal of all obstructions, except dams used for operating machinery, from creeks and other running streams in Walton County; and for other purposes.

By Messrs. Kendrick, Etheridge and Mrs. Mankin of Fulton—

House Bill No. 328. A bill authorizing counties of population of 200,000 to contract with any municipality located therein as to furnishing of regulation functions; and for other purposes.

By Messrs. Whitaker of Appling, Gowen of Glynn, and others—

House Bill No. 333. A bill to provide additional compensation for official stenographic reporter of the Superior Courts of the Brunswick Judicial Circuit; and for other purposes.

By Mr. Stiles of Fannin—

House Bill No. 344. A bill amending the Act creating the office of Commissioner of Roads and Revenues of Fannin County, approved August 20, 1920, by striking from line 2 of Section 5 the figures "\$600.00" and inserting "\$840.00"; and for other purposes.

By Messrs. Merritt, Grice and Bloodworth of Bibb—

House Bill No. 427. A bill authorizing any county having a population not less than 75,000 and not more than 100,000, according to 1930 Federal census, or future census, to pass zoning and planning laws; and for other purposes.

By Messrs. Harris, Lanier and Jones of Richmond—

~~House Bill No. 471.~~ A bill authorizing Board of County Commissioners, or other fiscal agent in counties of population of 72,500 to 73,500 to regulate building and construction in unincorporated areas; and for other purposes.

By Mr. Holtzendorff of Ben Hill—

House Bill No. 491. A bill repealing an Act amending Act approved March 31, 1937, Georgia Laws, 1937, pages 441-443, dealing with manner of selecting members of County Board of Education in certain counties by providing that persons residing in Fitzgerald District shall not qualify to participate in said election; and for other purposes.

By Mr. Holtzendorff of Ben Hill—

House Bill No. 494. A bill providing manner of electing members of County Board of Education in certain counties; and for other purposes.

By Mr. Gross of Stephens—

House Bill No. 536. A bill to authorize Toccoa Falls Institute to confer the Degree of Bachelor of Arts in Biblical Education; and for other purposes.

By Mr. Mosely of Toombs—

House Bill No. 571. A bill prohibiting goats from running at large in certain counties; and for other purposes.

By Mr. English of Lamar—

House Bill No. 580. A bill amending an Act providing a charter for City of Barnesville, and vesting the mayor and council with authority to pass zoning laws; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 606. A bill to prohibit goats from running at large in certain counties; and for other purposes.

By Mr. Tippins of Wilcox—

House Bill No. 657. A bill to provide for holding three terms a year of Superior Court of Wilcox County; and for other purposes.

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 669. A bill amending an Act incorporating the City of Hapeville; and for other purposes.

By Mr. Stiles of Fannin—

House Bill No. 679. A bill repealing an Act incorporating the Town of Epworth in the County of Fannin; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 695. A bill to amend Acts approved December 15, 1893, and August 13, 1931; to provide that the Mayor of Lawrenceville shall be an ex-officio member of Lawrenceville Board of Education; and for other purposes.

By Messrs. Sams, Candler and Turner of DeKalb—

House Bill No. 701. A bill amending the charter of the Town of Decatur; and for other purposes.

By Mr. Hatchett of Meriwether—

House Bill No. 773. A bill amending an Act and Acts amendatory thereof by providing for employment of a Clerk of Board of Commissioners of Roads and Revenues of Meriwether County; and for other purposes.

By Mr. Stiles of Fannin—

House Bill No. 611. A bill amending an Act providing that fishing may be permitted in the ponds and lakes in Fannin County from April 15 to May 31; and for other purposes.

By Mr. Marion Ennis of Baldwin—

House Bill No. 640. A bill to amend an Act providing for election of a Board of Commissioners of Baldwin County, and Acts amendatory thereto, by providing for special election to fill vacancies; and for other purposes.

By Messrs. Gross and Roughton of Washington—

House Bill No. 660. A bill amending an Act approved March 15th, 1935, appearing in Acts of General Assembly of Georgia for 1935, approved August 20, 1913; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 702. A bill amending an Act providing for the extension of the corporate limits of the Town of Decatur; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 716. A bill repealing an Act incorporating the Town of Lilburn in Gwinnett County; and for other purposes.

By Messrs. Sabados and Allen of Dougherty—

House Bill No. 718. A bill providing and empowering the City of Albany to furnish aid, relief and pensions to officers, agents and employees of said city; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 737. A bill incorporating the Town of Sugar Hill in Gwinnett County; and for other purposes.

By Mr. Ferguson of Camden—

House Bill No. 739. A bill granting power to Commissioners of Roads and Revenues of Camden County to adopt and enforce zoning ordinances; and for other purposes.

By Mr. Campbell of Newton—

House Bill No. 745. A bill authorizing fishing with hook and line at all times in Jackson Lake, located in Counties of Newton, Butts and Henry; and for other purposes.

By Mr. Tippins of Wilcox—

House Bill No. 780. A bill amending the Charter of the Town of Abbeville; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 782. A bill amending an Act creating a new charter for the City of Decatur by providing that certain fees be paid by City Commissioners and members of Board of Education of said city; and for other purposes.

By Mr. Rawlins of Telfair—

House Bill No. 795. A bill to create and incorporate the City of Jacksonville; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 517. A bill amending an Act relating to the adoption of rules and regulations as to construction and repair of buildings in certain counties; and for other purposes.

By Messrs. Sartain and Kelley of Walker—

House Bill No. 556. A bill providing and fixing the hours of keeping open polls at precincts situated in certain counties; and for other purposes.

By Mr. Coogler of Clayton—

House Bill No. 619. A bill authorizing the Town of Forest Park to enact zoning ordinances; and for other purposes.

By Mrs. Mankin and Messrs. Etheridge and Kendrick of Fulton—

House Bill No. 655. A bill amending the Charter of City of East Point, to annex certain territory subject to a referendum; and for other purposes.

By Mr. Rossee of Putnam—

House Bill No. 674 A. A bill to amend an Act authorizing a system of public schools for Eatonton by repealing anything in said Act, or amendments thereto, creating a separate board of trustees for colored schools; and for other purposes.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 743. A bill amending the Charter of the City of Augusta; and for other purposes.

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By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 756. A bill amending an Act creating a Board of Commissioners for Gwinnett County; and for other purposes.

By Mr. Douglass of Talbot—

House Bill No. 781. A bill to amend an Act abolishing the offices of Tax Collector and Tax Receiver of Talbot County; and for other purposes.

By Mr. Coogler of Clayton—

House Bill No. 618. A bill to amend the Charter of the Town of Forest Park; and for other purposes.

By Messrs. Sams, Candler and Turner of DeKalb—

House Bill No. 748. A bill to amend the Charter of the City of Pine Lake; and for other purposes.

By Mr. Williams of Bacon—

House Bill No. 635. A bill proposing to the voters of Georgia an amendment to the Constitution, to authorize Bacon County to issue refunding bonds; and for other purposes.

By Mrs. Mankin and Messrs. Etheridge and Kendrick of Fulton—

House Bill No. 472. A bill amending Article 11, Section 3, of the Constitution so that Fulton County officials may name a chief deputy; and for other purposes.

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 359. A bill amending Paragraph 2, Section 6, of Article 7, of the Constitution of Georgia to authorize the creation of a civil service commission for Fulton County; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 673. A bill amending Paragraph 1, Section 13, Article 6, of the Constitution of Georgia regulating the salaries of Judges of the Superior Court; and for other purposes.

The following bills of the House were taken up for the purpose of considering the Senate amendments thereto:

By Messrs. Gowen of Glynn, Ferguson of Camden, Yeomans of Wayne, Vickery of Charlton, DeFoor of McIntosh, Gill of Bryan, Smiley of Liberty, Hill of Screven, Bennett of Ware, Rawlins of Telfair, Hinson of Jeff Davis and Aiken of Bulloch—

House Bill No. 354. A bill to be entitled an Act to amend Sections 45-308

and 45-310 of the Code of Georgia, so as to provide a different date for the commencement of the open season for the hunting of game in certain territory of this State; and for other purposes.

The following Senate amendment to House Bill No. 354, was read and agreed to:

The Senate moves to amend House Bill No. 354, Section 1, by adding in the 4th line between the words "Chatham" and "Bryan" the words "Ben Hill" Moves to further amend the bill, Section 2, in the fifth line of the printed bill between the words "Chatham" and "Bryan" the words "Ben Hill" Moves to further amend the 2nd paragraph of Section 2, fifth line, by adding between the words "Chatham" and "Bryan" the words "Ben Hill"

The following Senate amendment to House Bill No. 354, was read and disagreed to:

The Senate moves to amend by striking the word "Screven" from Section 1, Paragraph 1, Line six and Section 1, Paragraph 2, Line four, Section 2, Paragraph 1, Line six, Section 2, Paragraph 2, Line Six, and adding after the word "follows", Section 1, Line 12, the following:

"Provided that it shall be unlawful to hunt deer from August 15th to January 5th, inclusive in the County of Screven, and provided that the carrying of a shotgun in fields, woods or swamps between March 2nd and August 14, inclusive shall be evidence of guilt of violating the provisions of this Act, and punishable as for a misdemeanor in the County of Screven.

By Messrs. Scott and Tipton of Thomas—

House Bill No. 672. A bill to be entitled an Act to authorize the City of Thomasville to create a City Authority by City ordinance; and for other purposes.

The following Senate substitute to Senate Bill No. 672, was read and agreed to:

#### A BILL

A bill to be entitled an Act to amend an Act approved October 3, 1889, re-incorporating the Town of Thomasville as the City of Thomasville and creating and establishing a new Charter for the City of Thomasville, as variously amended, by creating for said City of Thomasville, a City Authority; to define the powers of said City Authority and prescribe its members; to authorize said City Authority to construct, reconstruct, operate and maintain self-liquidating projects embracing water works, sewage systems, disposal plants, airports and other relating facilities; to authorize the issuance of revenue bonds of the City Authority, payable solely from earnings and revenues, to pay the cost of such projects; providing for the collection and pledging of revenues and other charges for the sale of such bonds and for the cost of maintenance, operation and repair of the projects; to authorize the execution of trust indentures to secure the payment of such bonds and defining the rights of the holders thereof; to provide that no debt of the City of Thomasville

shall be incurred in the exercise of any of the powers granted by this Act and authorized by this Act; making such bonds legal investments and free of taxation, providing for condemnation by said City Authority; authorizing the issuance of revenue refunding bonds; fixing the venue or jurisdiction of actions relating to the provisions of this Act and the time within which such actions must be brought; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

That the Act of the General Assembly of Georgia, approved October 3, 1889, entitled "An Act to re-incorporate the Town of Thomasville as the City of Thomasville; to confer additional powers on said corporation, and to codify, amend and supersede all previous Acts incorporating the Town of Thomasville, and grant a new charter to said Town under the name of the City of Thomasville, and for other purposes;" as variously amended, be and the same is hereby further amended as follows:

SECTION 2.

There is hereby created for the City of Thomasville a City Authority of the City of Thomasville, which is hereby constituted a body corporate and politic and by that name and in that style is authorized and empowered to contract and be contracted with, sue and be sued, plead and be impleaded, and complain and defend in all courts of law and equity. Said City Authority shall be and the same is hereby constituted a governmental instrumentality of the City of Thomasville and made a public corporation of the State of Georgia. The said City Authority shall consist of three (3) members to be appointed by the Mayor of the City of Thomasville, each of whom shall be a resident of the City of Thomasville at the time of his appointment. The original appointments shall be made in such manner that the term of one member shall expire on January 1, 1940, the term of another member shall expire on January 1, 1941, and the term of the remaining member shall expire on January 1, 1942. Their successors shall be appointed for terms of four years from the dates of expiration of their respective terms of office, except that any person appointed to fill a vacancy shall serve only for the unexpired term, and any member of the Authority shall be eligible for reappointment. Immediately after such appointments, the members of the Authority shall enter upon their duties. The Authority shall elect one of its members as Chairman and another as Vice-Chairman and shall also elect a Secretary and Treasurer who may not necessarily be a member of the Authority. Two members of the Authority shall constitute a quorum. No vacancy in the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. The members of the Authority shall not be entitled to compensation for their services but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. The Authority shall make necessary rules and regulations for its own government. The Authority may delegate to one or more of its members, or to its officers, agents and employees such powers and duties as it may deem proper.

## SECTION 3.

~~Definitions. As used in~~ Definitions. As used in this Act, the following words and terms shall have the following meanings:

(a) The word "Authority" shall mean the City Authority created by Section 2 of this Act.

(b) The word "project" shall be deemed to include the following revenue-producing undertakings or any combination of two or more of such undertakings, whether now existing or hereafter acquired or constructed: Systems, plants, works, instrumentalities, and properties: (i) used or useful in connection with the obtaining of a water supply and the conversation, treatment and disposal of water for public and private uses (ii) used or useful in connection with the collection, treatment and disposal of sewage, waste and storm water; together with all parts of any such undertaking and all appurtenances thereto, including lands, easements, rights in land, water rights, contract rights, franchises, approaches, dams, reservoirs, generating stations, sewage disposal plants, intercepting sewers, trunk connecting and other sewer and water mains, filtration works, pumping stations, and equipment (iii) used or useful in connection with the construction and maintenance of airports.

(c) The term "cost of the project" shall embrace the cost of construction, the cost of all lands, properties, rights, easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and for one year after completion of construction, cost of engineering, architectural and legal expenses, and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of any project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation. Any obligation or expense heretofore incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and shall be paid or reimbursed out of the proceeds of revenue bonds issued under the provisions of this Act for such project.

(d) Any project shall be deemed "self-liquidating" if, in the judgment of the Authority, the revenues and earnings thereof will be sufficient to pay the cost of maintaining, repairing and operating the project and to pay the principal and interest of revenue bonds which may be issued for the cost of such project.

## SECTION 4.

Powers of Authority. The Authority shall have power:

- (1) to have a seal and alter the same at pleasure;
- (2) to acquire, hold and dispose of personal property for its corporation purposes;
- (3) to acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with and

subject to the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or rights or easements therein or franchises necessary or convenient for its corporate purposes; and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Authority, the Authority being under no obligation to accept and pay for any property condemned under this Act except from the funds provided under the authority of this Act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action or proceeding as may be just to the Authority and to the owners of the property to be condemned, and no property shall be acquired under the provisions of this Act upon which any lien or other encumbrance exists, unless at the time such property is so acquired a sufficient sum of money be deposited in trust to pay and redeem such lien or encumbrance in full; and if the Authority shall deem it expedient to construct or reconstruct any project on lands the title to which shall then be in the City of Thomasville, the Mayor is hereby authorized to convey, for and in behalf of the City, title to such lands to the Authority upon payment to the City Treasurer the reasonable value of such lands, such value to be determined by three appraisers to be agreed upon by the Mayor and the Chairman of the Authority;

(4) to appoint and select officers, agents and employees, including engineering, architectural and construction experts and attorneys, and fix their compensation;

(5) to make contracts, and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired, and any and all departments or agencies of the State are hereby authorized to enter into leases or agreements with the Authority upon such terms and for such purposes as they deem advisable;

(6) to construct, reconstruct, erect, acquire, own, repair, add to, remodel, maintain, extend, improve, equip, operate and manage self-liquidating projects, as hereinabove defined, to be located on property owned by the Authority, the cost of any such project to be paid solely from the proceeds of revenue bonds of the Authority or from such proceeds and any grant from the United States of America or any agency or instrumentality thereof;

(7) to accept loans and/or grants of money or materials or property of any kind from the United States of America or any agency or instrumentality thereof, including the Reconstruction Finance Corporation, upon such terms and conditions as the United States of America or such agency or instrumentality, including the Reconstruction Finance Corporation, may impose;

(8) to borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from earnings of such projects, and to provide for the payment of the same and for the rights of the holders thereof;

(9) to exercise any power usually possessed by private corporations performing similar functions, which is in conflict with the Constitution and Laws of this State; and

(10) to do all things necessary or convenient to carry out the powers expressly given in this Act.

#### SECTION 5.

Revenue Bonds. The Authority shall have power and is hereby authorized at one time or from time to time to provide by resolution for the issuance of negotiable revenue bonds of the Authority for the purpose of paying all or any part of the cost as hereinabove defined of any one or more projects. The principal and interest of such revenue bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per centum per annum, payable semi-annually, shall mature at such time or times not exceeding thirty years from their date or dates, shall be payable in such medium of payment as to both principal and interest as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority in the resolution provision for the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the State. In case any officer whose signature shall appear on any bonds or whose facsimile signature shall appear on any coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All such bonds shall be signed by the Chairman of the Authority and the official seal of the Authority shall be affixed thereto and attested by the Secretary-Treasurer of the Authority and any coupons attached thereto shall bear the facsimile signature of the Chairman of the Authority. Any coupon may bear the facsimile signature of such person and any bond may be signed, sealed and attested on behalf of the Authority by such persons as at the actual time of the execution of such bond shall be duly authorized or hold the proper office, although at the date of such bond such persons may not have been so authorized or shall not have held such office. All revenue bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. Such bonds and the income thereof shall be exempt from all taxation within the State. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest. The Authority may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values excluding, however, from such computation the amount of any premium to be paid on redemption of any bond prior to maturity. The proceeds of such bonds shall be used solely for the payment of the cost of

the project or projects, and shall be disbursed upon requisition or order of the Chairman of the Authority under such restrictions, if any, as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide. If the proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of the project or projects, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, additional bonds may in like manner be issued to provide the amount of such deficit, which unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts, interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The Authority may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified or required by this Act. In the descretion of the Authority, revenue bonds of a single issue may be issued for the purpose of paying the cost of any one or more projects. Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular or special or adjourned meeting of the Authority by a majority of its members.

#### SECTION 6.

Credit of City Not Pledged. Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the City of Thomasville or a pledge of the faith and credit of the City, but such bonds shall be payable solely from the fund hereinafter provided therefor from earnings, and the issuance of such revenue bonds shall not directly or indirectly or contingently obligate the City to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment. Neither the City nor the Authority shall be obligated to pay the principal of or the interest on such revenue bonds except from earnings of the project or projects for which they shall be issued. All such revenue bonds shall contain recitals on their face covering the foregoing provisions of this Section.

#### SECTION 7.

Trust Funds. All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of revenue bonds, as grants or other contributions, or as revenues and earnings, shall be deemed to be trust funds, to be held and applied solely as provided in this Act. The Authority shall, in the resolution providing for the issuance of revenue bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds and the earnings and revenues

to be received to any officer who or any agency, bank or trust company, which shall act as trustee of such funds and shall hold and apply the same to the purpose hereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

#### SECTION 8.

Trust Indenture. In the discretion of the Authority, any issue of such revenue bonds may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State. Such trust indenture may pledge or assign revenues and earnings to be received. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair and insurance of the project, and the custody, safeguarding and application of all moneys, and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the Authority and satisfactory to the original purchasers of the bonds issued therefor, and may also require that the security given by contractors and by any depositary of the proceeds of the bonds or revenues or other moneys be satisfactory to such purchasers, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the law of this State to act as such depositary and to furnish such indemnifying bonds or pledge such securities as may be required by the Authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indenture securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the project or projects affected by such indenture.

#### SECTION 9.

Revenues and Earnings. The Authority is hereby authorized to fix and to revise from time to time fees, rentals and other charges for the use of each project and for the services and facilities furnished by the same and to charge and collect the same and to lease and to make contracts with any Agency or Department of the State with respect to the use of any project or part thereof. Such rentals and other charges shall be so fixed and adjusted in respect of the aggregate thereof from the project or projects for which a single issue of revenue bonds is issued, as to provide a fund sufficient with other revenues of such project or projects, if any, to pay (a) the cost of maintaining, repairing and operating the project or projects, including reserves for extraordinary repairs and insurance, and other reserves re-

quired by the resolution or trust indenture, unless such cost shall be otherwise provided for, which cost shall be deemed to include the expenses incurred by the Authority on account of the project or projects for water, light, sewer and other services furnished by other facilities at such institution, and (b) the principal of the revenue bonds and the interest thereon as the same shall become due. The revenues and earnings derived from the project or projects for which a single issue of bonds is issued, except such part thereof as may be required to pay the cost of maintaining, repairing and operating the project or projects, and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to, and charged with the payment of, (1) the interest upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of paying agents for paying principal and interest, and (4) any premium upon bonds retired by call or purchase as hereinabove provided. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or priority of one over another.

Subject to the provisions of the resolution authorizing the issuance of the revenue bonds or of the trust indenture, any moneys in such sinking fund in excess of an amount equal to one year's interest on all revenue bonds then outstanding may be applied to the purchase or redemption of bonds. All revenue bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

It shall be the duty of the Authority to prescribe rules and regulations for the operation of each project constructed under the provisions of this Act, including rules and regulations to insure maximum occupancy of each such project, and to impose rentals and other charges for the use of the facilities furnished by such project and to collect the same from all persons served thereby or from those responsible for their support or their guardians, trustees, or other legal representatives.

#### SECTION 10.

Remedies. Any holder of revenue bonds issued under the provisions of this Act, or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia or granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture, to be performed by the Authority, or any officer thereof, including the fixing, charging, and collecting of revenues and other charges for the use of the project or projects. But no holder of any such bond shall have the right to compel

any exercise of the taxing power of the City to pay any such bond or the interest thereon, or to enforce the payment thereof against any property of the City, nor shall any such bond constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City of Thomasville.

In addition to the remedies afforded by this Section and otherwise by this Act, the holder of any such bonds shall be entitled to and may pursue all of the remedies afforded to holders of revenue certificates issued pursuant to the Act of the General Assembly of Georgia, approved March 31, 1937, and known as the Revenue Certificate Law.

#### SECTION 11.

Contributions. The Authority, in addition to the moneys which may be received from the sale of revenue bonds and from the collection of revenues and earnings derived under the provisions of this Act, shall have authority to accept from any Federal agency grants for or in aid of the construction of any project or for the payment of bonds, and to receive and accept contributions from any source of either money or property or other things of value to be held, used and applied only for the purposes for which such grants or contributions may be made.

#### SECTION 12.

Revenue Refunding Bonds. The Authority is hereby authorized to provide by resolution for the issue of revenue refunding bonds of the Authority for the purpose of refunding any revenue bonds issued under the provisions of this Act and then outstanding, together with accrued interest thereon. The issuance of such revenue refunding bonds, the maturities and all other details, thereof, the rights of the holder thereof, and the duties of the Authority in respect to the same, shall be governed by the foregoing provisions of this Act in so far as the same may be applicable.

#### SECTION 13.

Legal Investment and Security for Deposits. The bonds are hereby made securities in which all public officers and bodies of this State and all municipalities and all municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the State may properly and legally invest funds including capital in their control or belonging to them. The bonds are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this State and all municipalities and municipal subdivisions for any purpose for which the deposit of the bonds or other obligations of this State is now or may hereafter be authorized.

## SECTION 14.

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Governmental Function. It is hereby found, determined and declared that the creation of the Authority and the carrying out of its corporate purpose is in all respects for the benefit of the people of the City of Thomasville and is a public purpose and that the Authority will be performing an essential governmental function in the exercise of the power conferred upon it by this Act and the City of Thomasville covenants with holders of the bonds that the Authority shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation or maintenance of the buildings erected or acquired by it or any fees, rentals or other charges for the use of such buildings or other income received by the Authority and that the bonds of the Authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the said City of Thomasville.

## SECTION 15.

Validation of Revenue Bonds. All revenue bonds issued under this Act shall be validated in the Superior Court in the manner hereinafter set forth.

## SECTION 16.

Notice to Solicitor-General or Attorney-General. When the City Authority, hereby created, desires to issue revenue bonds under the provisions of this Act, the Chairman and Secretary of the Authority shall within six months after the passage of the resolution authorizing such bonds notify the Solicitor-General of the Southern Judicial Circuit, in writing, of the fact that such resolution has been passed by the governing body and of the intention of said Authority to issue said bonds. The service of notice shall be personal upon the Solicitor-General and shall be accompanied by a certified copy of the resolution of the City Authority authorizing the bonds. In the event the Solicitor-General is absent from the circuit the notice shall be served in person upon the Attorney-General.

## SECTION 17.

Duty of Attorney-General or Solicitor-General to file petition: Order of Court: Answer. Within twenty days from the date of service of notice, provided for in the preceding Section, the Solicitor-General, or the Attorney-General, as the case may be, shall prepare and file in the office of the Clerk of the Superior Court of Thomas County a petition directed to the Superior Court of said County in the name of the State and against the City Authority, setting forth service of such notice, the amount of bonds to be issued, for what purpose to be issued, what interest they are to bear, how much principal and interest is to be paid annually, when to be paid in full and the security to be pledged to the payment of said bonds; and shall obtain from the Judge of said Court an order requiring the City Authority by its proper officers to show cause at such time and place either in term or chambers within twenty days from the filing of the petition, as the Judge may direct, why the bonds and the security for the payment thereof should not be confirmed

and validated; which petition and order shall be served in the manner now provided by law for service of petitions upon counties, municipalities or political subdivisions; and to such petition the City Authority shall make sworn answer within the time prescribed herein.

#### SECTION 18.

Notice of Hearing. Prior to the hearing of said cause, the Clerk of Superior Court of Thomas County shall publish in a newspaper at least twice before the hearing, a notice to the public that on the day specified in the order providing for the hearing of said cause that same will be heard.

#### SECTION 19.

Trial of Case: Parties: Judgment, Bill of Exceptions. Within the time prescribed in the order, the Judge of said Superior Court shall proceed to hear and determine all the questions of law and of fact in said cause, and shall render judgment thereon, and in the event his judgment shall be in favor of the issuance of said bonds, a judgment and order shall be entered to that effect, and any citizen of this State, resident of the City of Thomasville, may become a party to said proceedings, and if dissatisfied with the judgment of the court confirming and validating the issuance of the bonds, and the security therefor, may except thereto within twenty days from the judgment, as in the case of injunctions, and upon the hearing in the Supreme Court such bill of exceptions shall be heard in accordance with the practice regulating the hearing of bills of exceptions in criminal cases.

#### SECTION 20.

Judgment Validating Forever Conclusive. In the event no bill of exceptions shall be filed within the time prescribed herein, or if filed the judgment shall be affirmed by the Supreme Court, the judgment of the Superior Court, so confirming and validating the issuance of said bonds and the security therefor, shall be forever conclusive upon the validity of said bonds and the security therefor against the City Authority and all persons whomsoever.

#### SECTION 21.

How Bonds shall be Stamped. Bonds, when issued under the provision of this Act shall have stamped or written thereon, by the proper officers of the City Authority issuing the same, or their agents or servants, the words: "Validated and confirmed by judgment of the Superior Court," specifying also the date when such judgment was rendered, and the court in which it was rendered, which shall be signed by the Clerk of the Superior Court in which the judgment was rendered, such entry shall be original evidence of the fact of such judgment and shall be received as original evidence in any court in this State.

#### SECTION 22.

Costs and Fee of Solicitor-General, By Whom Paid. The cost of said case shall be paid in any event by the City Authority, and in addition to costs it shall also

pay the Solicitor-General the sum of twenty-five (\$25.00) dollars for his entire services in such case.

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#### SECTION 23.

Failure of Solicitor-General or Attorney-General to File Proceedings: Order of Court. In the event the Solicitor-General or the Attorney-General shall fail or refuse to present said petition within the time provided by this Act, it shall be competent for the City Authority to present such facts in writing to the Court, and to represent further that such failure has been without fault on the part of the City Authority. In such case it shall be the duty of the court, and he shall have power and authority to inquire into the fact and, upon being satisfied that such failure has not arisen from any fault or neglect on the part of such City Authority, to pass an order authorizing and directing the Solicitor-General or Attorney-General, as the case may be, to proceed within ten days to file the petition authorized by this Act, and thereafter the proceedings shall be heard in the same manner as would have been followed had such petition been duly and promptly filed in the first instance.

Where proceedings are had as provided in this Section and a judgment validating such bonds and the security therefor is entered, the same shall be held and deemed to be as fully and completely validated to all intents and purposes as though the proceedings had been originally taken as provided in this Act, and in such event the judgment of validation shall be finally and completely conclusive in like manner as provided by Section 20 of this Act.

#### SECTION 24.

Powers Not Impaired. While any of the bonds issued by the Authority remain outstanding, the powers, duties or existence of said Authority or of its officers, employees or agents shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds, and no other entity, departments, agency or authority will be created which will compete with the Authority to such an extent as to affect adversely the interests and rights of the holders of such bonds, nor will the City of Thomasville itself so compete with the Authority. The provisions of this Act shall be for the benefit of the City of Thomasville, the Authority and the holders of any such bonds, and upon the issuance of bonds under the provisions hereof, shall constitute a contract with the holders of such bonds.

#### SECTION 25.

Act Liberally Construed. This Act, being necessary for the welfare of a subdivision of the State and its inhabitants, shall be liberally construed to effect the purposes hereof.

#### SECTION 26.

Constitutional Construction. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent juris-

diction, the decision of such court shall not affect or impair any of the remaining provisions.

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#### SECTION 27.

Alternative Method. The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

#### SECTION 28.

Repealing Clause. All laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

By Messrs. McGraw and Hatchett of Meriwether—

House Bill No. 378. A bill to be entitled an Act to establish a City Court of Greenville; and for other purposes.

The following Senate amendment to House Bill No. 378, was read and agreed to:

The Senate moves to amend House Bill, No. 378, by adding a new section to be No. 46 (a) to read as follows:

“Section 46 (a). Be it further enacted by the authority aforesaid that this Act shall take effect immediately upon passage and approval by the Governor and that it shall be the duty of the Democratic Executive Committee of Meriwether County to cause the issue as to whether or not said Court shall remain in existence to be submitted to the voters of Meriwether County in the next regular Democratic Primary to be held in said County for the selection of sheriff, clerk of superior court and other county officers, and shall cause to be placed on each ballot the words ‘for city court’ and ‘against city court’ and should the voters at such Democratic Primary cast a majority vote for city court said court shall remain in existence and this Act shall remain in full force and effect until repealed by the General Assembly of Georgia, but should a majority of the voters vote against the city court, then this Act shall become inoperative and of no force or effect on and after January 1, 1941, and said court shall cease to exist on said date.”

The Senate moves to amend House Bill No. 378 by adding a new section to be numbered 46 (b) to read as follows:

“Section 46 (b). Be it further enacted by the authority aforesaid that no primary shall be called or held for the purpose of selecting the Judge or Solicitor of said Court until the results of the election provided for in Section 46 (b) shall have been determined by the voters in said election as to retention or rejection of said Court.

By Mr. Tippins of Wilcox—

House Bill No. 540. A bill to be entitled an Act to abolish the office of County Treasurer of Wilcox County; and for other purposes.

The following Senate amendment to House Bill No. 540, was read and agreed to:

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The Senate moves to amend House Bill No. 540 by striking Section 1 in its entirety and inserting a new section to be known as Section 1 and reading as follows:

#### SECTION 1.

Be it enacted by the General Assembly of Georgia and it is hereby enacted by the authority of the same, that from and after the 1st day of July, 1939, the office of County Treasurer of Wilcox County, Georgia shall be abolished and said office, from and after that date shall cease to exist.

Amend House Bill No. 540 by adding a new section to be known as Section 10 A and reading as follows:

#### SECTION 10 A.

This Act shall have no force and effect until same shall have been submitted to and approved by a majority of the qualified voters of the County of Wilcox, voting at the next general election to be held on the second Wednesday in June, 1938. There shall be printed on the ballots used in said election the following:

“In favor of abolishing the office of County Treasurer of Wilcox County.”  
“Against abolishing the office of County Treasurer of Wilcox County.”

Should a majority of the qualified voters participating in said election vote in favor of abolishing the office of County Treasurer then this Act shall be of full force and effect. If a majority of the qualified voters participating in said election vote against abolishing the office of County Treasurer then this Act will be of no force and will be null and void.

By Messrs. Rountree and Flanders of Emanuel—

House Resolution No. 51-214 A. A resolution authorizing the State Librarian to furnish certain law reports to Emanuel County; and for other purposes.

The following Senate amendment to House Resolution No. 51-214 a, was read and agreed to:

The Senate moves to amend House Resolution No. 51-214 a by adding after the words “directed” in Line eleven of said resolution the words “and required.”

By Mr. Cobb of Oconee—

House Resolution No. 37-160 B. A resolution directing the State Librarian to furnish certain law books to the Ordinary and Clerk of Superior Court of Oconee County; and for other purposes.

The following Senate amendment to House Resolution No. 37-160b, was read and agreed to:

The Senate amends House Resolution No. 37-160 B, by adding the following after the word “reports”, “when same are available.”

By Mr. Coogler of Clayton—

~~House Resolution~~ No. 34-156 A. A resolution authorizing the State Librarian to furnish certain law reports to the Clerk of Superior Court of Clayton County; and for other purposes.

The following Senate amendment to House Resolution No. 34-156 a, was read and agreed to:

The Senate amends House Resolution No. 34-156 a, by adding the following after the following figures, "9 and 44", "when same are available"

By Mr. Guyton of Effingham—

House Resolution No. 46-186 B. A resolution to supply Effingham County with certain volumes of the Supreme Court Reports; and for other purposes.

The following Senate amendment to House Resolution No. 46-186 b, was read and agreed to:

The Senate amends House Resolution No. 46-186 b, by adding at the end thereof this language:

"Provided that the State Librarian has on hand available for such purpose such books."

Under the special and continuing order of business established by the Committee on Rules, the following bills of the Senate were taken up for consideration, and read the third time:

By Senator Millican of the 52nd District—

Senate Bill No. 57. A bill to be entitled an Act to amend an Act entitled "An Act to regulate Primary Elections in all Municipalities in the State of Georgia"; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 121, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senators Durden of the 10th, Spivey of the 16th and Harrell of the 7th Districts—

Senate Bill No. 123. A bill to be entitled an Act to provide that "The Georgian Waltz" be adopted as the official Georgia Waltz; and for other purposes.

Mr. Culpepper of Fayette moved that the bill be tabled, and the motion prevailed.

The bill was tabled.

By Senator Dunn of the 22nd District—

Senate Bill No. 14. A bill to be entitled an Act to repeal Section 68-214 of the Code of 1933, and amend, so as to advertise Georgia as the "Peach State" on Motor Vehicle Tags; and for other purposes.

The following amendment to Senate Bill No. 14, was read and adopted:

Mr. Bloodworth of Bibb moves to amend Senate Bill No. 14 by striking therefrom what is known as Section 1 and substituting in lieu thereof the following to be known as Section 1:

That Section 68-214 of the Code of 1933 which provides that "68-214. Number plates; description; transfer; duplicates; fees. Upon receipt of application and the payment of the required fee, the State Revenue Commission shall file the application, register the vehicle, assign to it a distinctive serial number, and make the same a matter of record. The Commission shall furnish also without cost two metal number plates showing thereon the serial number designated to such vehicle. Number plates shall be of metal at least seven inches wide and not less than 16 inches in length, and shall show in bold characters the year of registration, serial number, and abbreviation of the name of the State, and such other distinctive markings as in the judgment of the Commission may be deemed advisable, so as to indicate the class or weight of the vehicle for which the number plates were issued. Duplicate number plates, when one of the originals has been lost, defaced, or destroyed, may be obtained from the Commission upon filing affidavit setting forth the facts of such loss or destruction, and the payment of a fee of \$1.00. A number when issued, shall not be transferred from one vehicle to another, and shall not be used by any other person or upon any motor vehicle other than the one to which it is assigned, and any use of said number by any person or persons in any manner not provided for in this law shall be a violation of said law. Provided, however, that where a motor vehicle has been duly registered in the office of the State Revenue Commission, and the number assigned to said vehicle for the year, the owner of said motor vehicle to which said number has been assigned may upon sale or exchange of said motor vehicle, transfer and assign the number assigned to said motor vehicle to the purchaser of said machine, by registering such transfer in the office of the State Revenue Commission and by paying fifty cents (.50), which shall accompany said transfer or registration, and upon said transfer the assignee of said number shall stand in the position of the original person in whose name such number is recorded. (Acts 1927, Page 233; 1931, Pages 7, 34.)" be and the same is hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 117, the nays 5.

The bill having received the requisite constitutional majority was passed, as amended.

Mr. Strickland of Haralson arose to a point of personal privilege and addressed the House.

Under the special and continuing order of business established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senator Cail of the 17th District—

Senate Bill No. 202.

### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the City of Sylvania to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia, for the purpose of refunding and retiring its existing bonded indebtedness due and unpaid up to and including January 1, 1940; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said bonded indebtedness that is or may become due and unpaid as of January 1, 1940; to provide for the submission of the amendment for ratification by the people; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph in the following words, to-wit:

“And except that the City of Sylvania, in Screven County, Georgia, may issue refunding serial bonds not in excess of the aggregate sum of twenty thousand (\$20,000.00) dollars, for the purpose of refunding and retiring any bonded indebtedness of said City outstanding, past due and unpaid up to and including January 1, 1940, and providing for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest of said bonds as they fall due; the proceeds of all such refunding bonds so issued by the City of Sylvania to be used exclusively for the purpose of paying and retiring said bonded indebtedness that is or may become due and unpaid as of January 1, 1940. Said refunding bonds shall be issued when authorized by a vote of the Mayor and Councilmen and shall be validated by law.”

Section 2. Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two-thirds of the members of each House, with the “ayes” and “nays” thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, “For ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Sylvania to issue refunding bonds”, and all persons opposed to the adopting of said amendment shall have written or

printed on their ballots the words, "Against ratification of the amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Sylvania to issue refunding bonds." And if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof as provided by law, the result shall be consolidated as now required by law in election for members of the General Assembly, the said amendment shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation therefor as provided by law.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Cook	Goddard
Allen	Culpepper of Fayette	Goolsby
Allison of Gwinnett	Curry	Gowen
Allison of White	Daughtry	Graham
Almand	Davidson	Grant
Barlow	Davis of Coweta	Greene
Barrett	Davis of Floyd	Grice
Beck	Dean	Griffin
Bell	Dickerson	Gross of Stephens
Bennett of Clarke	Dockery	Gross of Washington
Bennett of Ware	Drake	Guyton
Blackshear	Drinkard	Harvey
Blease	Easley	Hatchett
Bloodworth	Edwards of Taylor	Henderson
Boyd of Cook	Ennis, Marion	Herndon
Boyd of Greene	Etheridge of Baker	Hill
Branch	Etheridge of Fulton	Hinson
Bray	Etheridge of Houston	Holtendorff
Brooks of Jackson	Evans of Laurens	Howard
Bruce	Evans of McDuffie	Jackson
Bynum	Ferguson of Camden	Joel
Carmichael of Butts	Ferguson of Sumter	Johnson
Carmichael of Cobb	Flanders	Jones of Brantley
Carrington	Ford	Jones of Paulding
Cheney	Forrester of Crisp	Jones of Richmond
Clements of Calhoun	Foster	Kaigler
Clements of Wheeler	Franklin of Bulloch	Kelley
Cobb	Gaines	Kennedy
Connell	Gavin	Kimbrough
Conner	Gill	King

Lanham	Purdy	Summerour
Lewis	Ragan	Sumner
Looper	Rawlins	Swindle
Lovett	Reid	Tate
Mankin	Rogers	Terrell
Marshall	Rossee	Thigpen of Evans
Mason	Roughton	Thigpen of Glascock
Maxwell	Rountree	Thornton
McCracken	Sabados	Tipton
McDaniel	Sams	Tomlinson
McGraw	Sanders	Vickery
Middleton	Sartain	Warren
Mills	Saunders	Wells
Moore of Taliaferro	Scott	Whipple
Morgan	Smiley	Whitaker
Parham	Smith of Schley	Wiggins
Pierce	Stiles	Williams of Ware
Pilcher	Strickland of Haralson	Wohlwender
Preston	Strickland of Pierce	Yeomans

Those not voting were Messrs.:

Ansley	Edwards of Lowndes	Merritt
Atkinson	Elliott	Miller
Binion	English	Moore of Lumpkin
Brooks of Oglethorpe	Ennis, J. H.	Mosely
Bush	Forrester of Dade	Moss
Campbell	Fowler of Douglas	Pannell
Candler	Fowler of Treutlen	Parker
Carter	Franklin of Polk	Pharr
Chappell	Grayson	Rees
Clark	Harden	Sapp
Clary	Hardman	Simmons
Claxton	Harrison of Crawford	Smith of Henry
Clements of Marion	Harrison of Jenkins	Tippins
Coogler	Hayes	Trippe
Corbett	Kendrick	Turner
Culpepper of Mitchell	Key	Wages
Dallis	Lanier	Williams of Bacon
DeFoor	McBride	Wright
Douglass	McNall	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 147, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed.

By Senator Warnell of the 1st District—

Senate Bill No. 177.

## A BILL

An Act to propose to the qualified voters of the State of Georgia an Amendment to Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, incorporated in the Code of 1933 as Section 2-5501, so as to authorize the City of Savannah to incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and Laws of Georgia, for the purpose of purchasing and/or acquiring lands, sites, buildings and/or improvements located thereon, to be given, granted, leased or otherwise disposed of to the United States of America for the purpose of national defense; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the purchase and/or acquirement of lands, sites, buildings, and improvements, to be accepted and used by the United States Government for national defense purposes; to authorize the assessing and collection of an annual tax sufficient to pay principal and interest of said bonds as they become due; to authorize the fixing of the rate of interest, the date of issuance, and other details incident to the issue and sale of said bonds; to provide for validation; to provide for submission of the Amendment for ratification by the people; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, incorporated in the Code of 1933 as Section 2-5501, which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph to be worded as follows, to-wit:

“And except, that the City of Savannah, in addition to the bonded indebtedness heretofore authorized by the Constitution and Laws of Georgia, may issue serial bonds not in excess of the aggregate sum of Five Hundred Thousand (\$500,000.00) Dollars, for the exclusive purpose of purchasing and/or acquiring land and/or sites, and buildings and improvements located thereon, for the purpose of giving, granting, leasing, or otherwise disposing of said lands, and/or sites, and buildings and improvements located thereon, to the United States of America for the purpose of national defense; and shall provide for the assessment and collection of an annual tax sufficient in amount to pay the principal and interest as they become due; said serial bonds so issued shall mature in twenty (20) annual equal amounts beginning ten (10) years from the date of issuance and maturing each year thereafter for a period of twenty (20) years. The proceeds of all such serial bonds so issued by the City of Savannah shall be used exclusively for the purpose of giving, granting, leasing, or otherwise disposing of the same to the United States of America for the purpose of national defense, and no such bonds shall be issued or disposed of until and unless the United States of America first agree to accept the same and to use the same for national defense purposes. Said serial bonds shall be issued by the Mayor and Aldermen of the City of Savannah after two-thirds of the qualified voters of the City of Savannah have authorized the same in an election held in accordance with the provisions of Section 87-201 to 87-204, both inclusive, of the Code of Georgia of 1933. The Mayor and the Aldermen of the City of Savannah are hereby authorized and empowered to fix the rate of interest, the date of issuance and all other details

incident to the issue and sale of said bonds. Said bonds shall be validated as provided by law.”

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Section 2. Be it further enacted by the authority aforesaid that when said Amendment shall be agreed to by a two-thirds vote of the members elected to each of the two Houses, said amendment shall be entered on their journals, with the “ayes” and “nays” thereon, and shall be published in one or more newspapers in each Congressional District in the State of Georgia for two months previous to the time of holding the next general election, and said amendment shall at the next general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution, shall have written or printed on their ballots the words, “For ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution authorizing the City of Savannah to issue land purchase bonds”, and all persons opposed to the adoption of said amendment shall have written or printed on their ballots “Against ratification of amendment to Article 7, Section 7, Paragraph 1, of the Constitution authorizing the City of Savannah to issue land purchase bonds”; and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof, when the result shall be consolidated as now required by law in election of members of the General Assembly, the amendment and its provisions shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, and the Governor of the State of Georgia shall make a proclamation thereof as provided by law.

Section 3. Be it further enacted by the authority aforesaid that all laws or parts of laws in conflict herewith be, and the same are hereby repealed.

The following House amendment to Senate Bill No. 177 was read and adopted:

Grayson, Atkinson and McNall of Chatham moves to amend Senate Bill No. 177 by inserting immediately after the words “National Defense” wherever they appear in the caption and body of the bill the words “or other public purpose.”

The report of the Committee, which was favorable to the passage of the bill was agreed to as amended.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Bell	Brooks of Jackson
Allison of Gwinnett	Bennett of Ware	Bruce
Allison of White	Blackshear	Bynum
Almand	Blease	Campbell
Ansley	Bloodworth	Carmichael of Butts
Atkinson	Boyd of Cook	Carmichael of Cobb
Barlow	Boyd of Greene	Carrington
Barrett	Branch	Cheney
Beck	Bray	Clary

Claxton	Greene	Morgan
Clements of Calhoun	Grice	Parham
Cobb <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Griffin	Pharr
Connell	Gross of Washington	Pierce
Conner	Guyton	Pilcher
Cook	Harden	Preston
Corbett	Harrison of Crawford	Purdy
Culpepper of Fayette	Harrison of Jenkins	Ragan
Curry	Harvey	Reid
Daughtry	Hatchett	Rogers
Davidson	Hayes	Roughton
Davis of Floyd	Henderson	Rountree
Dean	Herndon	Sabados
Dickerson	Hill	Sams
Dockery	Hinson	Sanders
Drake	Holtzendorff	Sartain
Drinkard	Howard	Scott
Easley	Jackson	Smiley
Edwards of Lowndes	Joel	Smith of Schley
Edwards of Taylor	Jones of Brantley	Strickland of Haralson
Elliott	Jones of Paulding	Strickland of Pierce
Ennis, Marion	Jones of Richmond	Summerour
Etheridge of Baker	Kendrick	Sumner
Etheridge of Fulton	Kimbrough	Swindle
Etheridge of Houston	King	Tate
Evans of Laurens	Lanham	Terrell
Evans of McDuffie	Lanier	Thigpen of Evans
Ferguson of Camden	Lewis	Thigpen of Glascock
Ferguson of Sumter	Looper	Thornton
Flanders	Lovett	Tippins
Ford	Mankin	Tipton
Forrester of Crisp	Mason	Tomlinson
Fowler of Douglas	Maxwell	Vickery
Franklin of Bulloch	McBride	Wages
Gaines	McCracken	Wells
Gavin	McDaniel	Whitaker
Gill	McGraw	Wiggins
Goolsby	McNall	Williams of Ware
Gowen	Middleton	Wohlwender
Graham	Mills	Yeomans
Grayson	Moore of Taliaferro	

Those not voting were Messrs.:

Allen	Brooks of Oglethorpe	Carter
Bennett of Clarke	Bush	Chappell
Binion	Candler	Clark

Clements of Marion	Gross of Stephens	Rees
Clements of Wheeler	Hardman	Rossee
Coogler	Johnson	Sapp
Culpepper of Mitchell	Kaigler	Saunders
Dallis	Kelley	Simmons
Davis of Coweta	Kennedy	Smith of Henry
DeFoor	Key	Stiles
Douglass	Marshall	Trippe
English	Merritt	Turner
Ennis, J. H.	Miller	Warren
Forrester of Dade	Moore of Lumpkin	Whipple
Foster	Mosely	Williams of Bacon
Fowler of Treutlen	Moss	Wright
Franklin of Polk	Pannell	Yawn
Goddard	Parker	
Grant	Rawlins	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 149, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed as amended.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

By Senator Dorminy of the 45th District—

Senate Bill No. 100.

#### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the City of Ocilla, Georgia, incur a bonded indebtedness in addition to that heretofore authorized by the Constitution and laws of Georgia, for the purpose of refunding and retiring its existing bonded indebtedness due up to and including January 1, 1939, and shall become due up to and including January 1, 1943; to provide that the funds raised from such additional bonded indebtedness shall be used exclusively for the retirement of said bonded indebtedness that is or may become due and unpaid as of January 1, 1943; to provide the terms of their issue; to provide for the submission of the amendment for ratification by the people; and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, that Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph in the following words, to-wit:

"And except that the City of Ocilla, Georgia, may issue refunding bonds not in excess of the aggregate sum of \$28,000.00 for the purpose of refunding and retiring any bonded indebtedness of said City of Ocilla outstanding, past due and unpaid on January 1, 1939, and any bonded indebtedness of said city outstanding and which becomes due up to and including January 1, 1943, and provide for the assessment and collection of a tax, annually, sufficient in amount to pay the principal and interest of said bonds as they shall become due; the proceeds of all such refunding bonds so issued by the City of Ocilla, Georgia, to be used exclusively for the purpose of paying off and retiring said bonded indebtedness that is now or may become due and unpaid as of January 1, 1943. Said refunding bonds shall be issued when authorized by a vote of the Mayor and Council of the City of Ocilla, Georgia, and shall be validated."

Section 2. Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two-thirds vote of the members of each House, with the "ayes" and "nays" thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said next general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words "For ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Ocilla to issue refunding bonds," and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words "Against ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Ocilla to issue refunding bonds," and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof, when the results have been consolidated as now provided and required by law in election for members of the General Assembly, the said amendment shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State of Georgia, and the Governor shall make a proclamation therefor, as provided by law.

Section 3. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

The report of the Committee which was favorable to the passage of the bill was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Barlow	Bennett of Ware
Allen	Barrett	Blackshear
Allison of Gwinnett	Beck	Blease
Allison of White	Bell	Bloodworth
Atkinson	Bennett of Clarke	Boyd of Greene

Branch	Franklin of Polk	Mills
Bray	Gaines	Moore of Taliaferro
Brooks of Jackson	Gavin	Morgan
Bruce	Gill	Parham
Bynum	Goddard	Parker
Campbell	Goolsby	Pharr
Carmichael of Butts	Gowen	Pierce
Carmichael of Cobb	Graham	Pilcher
Carrington	Grant	Preston
Carter	Grayson	Purdy
Cheney	Greene	Ragan
Clary	Grice	Reid
Claxton	Griffin	Rogers
Clements of Marion	Gross of Washington	Rossee
Clements of Wheeler	Guyton	Roughton
Cobb	Harden	Rountree
Conner	Harrison of Crawford	Sabados
Cook	Harvey	Sams
Corbett	Hatchett	Sartain
Curry	Hayes	Scott
Daughtry	Henderson	Smiley
Davidson	Herndon	Smith of Henry
Davis of Floyd	Hill	Smith of Schley
Dean	Hinson	Strickland of Haralson
Dickerson	Jackson	Strickland of Pierce
Dockery	Joel	Summerour
Drake	Jones of Paulding	Swindle
Drinkard	Jones of Richmond	Tate
Easley	Kaigler	Thigpen of Evans
Edwards of Lowndes	Kendrick	Thigpen of Glascock
Edwards of Taylor	Kimbrough	Thornton
Elliott	King	Tippins
Ennis, Marion	Lanham	Tipton
Etheridge of Baker	Lanier	Vickery
Etheridge of Fulton	Lewis	Wages
Etheridge of Houston	Looper	Warren
Evans of Laurens	Mankin	Wells
Evans of McDuffie	Marshall	Whipple
Ferguson of Camden	Mason	Whitaker
Ferguson of Sumter	Maxwell	Wiggins
Flanders	McBride	Williams of Bacon
Ford	McCracken	Williams of Ware
Forrester of Crisp	McDaniel	Wohlwender
Foster	McGraw	Yeomans
Fowler of Douglas	McNall	

Those not voting were Messrs.:

Almand	Ennis, J. H.	Mosely
Ansley	Forrester of Dade	Moss
Binion	Fowler of Treutlen	Pannell
Boyd of Cook	Franklin of Bulloch	Rawlins
Brooks of Oglethorpe	Gross of Stephens	Rees
Bush	Hardman	Sanders
Candler	Harrison of Jenkins	Sapp
Chappell	Holtzendorff	Saunders
Clark	Howard	Simmons
Clements of Calhoun	Johnson	Stiles
Connell	Jones of Brantley	Sumner
Coogler	Kelley	Terrell
Culpepper of Fayette	Kennedy	Tomlinson
Culpepper of Mitchell	Key	Trippe
Dallis	Lovett	Turner
Davis of Coweta	Merritt	Wright
DeFoor	Middleton	Yawn
Douglass	Miller	
English	Moore of Lumpkin	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 150, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

By Senator McGinty of the 43rd District—

Senate Bill No. 69. A bill to be entitled an Act making additions to the law of libel by newspapers, magazines or periodicals; and for other purposes.

Mr. Bennett of Ware moved the previous question, the motion prevailed, and the main question ordered.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, Mr. Williams of Ware moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Barlow	Blackshear
Allen	Barrett	Blease
Almand	Bell	Boyd of Greene
Ansley	Bennett of Clarke	Branch
Atkinson	Bennett of Ware	Candler

Carmichael of Cobb	Goddard	Pharr
Carrington	Gowen	Preston
Chappell	Graham	Purdy
Clark	Grayson	Rees
Cobb	Greene	Reid
Connell	Grice	Rogers
Conner	Griffin	Rossee
Cook	Gross of Stephens	Roughton
Corbett	Gross of Washington	Rountree
Curry	Harrison of Jenkins	Sabados
Dallis	Harvey	Sams
Daughtry	Henderson	Sanders
Davidson	Hill	Sapp
Dickerson	Hinson	Scott
Dockery	Holtzendorff	Smiley
Douglass	Jackson	Smith of Henry
Drake	Joel	Strickland of Haralson
Drinkard	Jones of Paulding	Strickland of Pierce
Easley	Jones of Richmond	Swindle
Edwards of Lowndes	Kendrick	Thigpen of Evans
Ennis, J. H.	Kennedy	Thornton
Ennis, Marion	Lanham	Tippins
Etheridge of Fulton	Lanier	Tipton
Etheridge of Houston	Lewis	Trippe
Evans of Laurens	Lovett	Turner
Ferguson of Camden	Mankin	Vickery
Ferguson of Sumter	Marshall	Wells
Flanders	Mason	Whitaker
Ford	Maxwell	Wiggins
Forrester of Crisp	Miller	Williams of Ware
Fowler of Douglas	Moore of Lumpkin	Wohlwender
Fowler of Treutlen	Moore of Taliaferro	Yeomans
Franklin of Polk	Morgan	
Gill	Parham	

Those voting in the negative were Messrs.:

Brooks of Jackson	Etheridge of Baker	Herndon
Bynum	Evans of McDuffie	Howard
Carmichael of Butts	Foster	Johnson
Carter	Franklin of Bulloch	Kaigler
Cheney	Gaines	Kimbrough
Clary	Gavin	King
Clements of Marion	Goolsby	Looper
Davis of Coweta	Guyton	McDaniel
DeFoor	Harrison of Crawford	Middleton
Edwards of Taylor	Hatchett	Mills

Mosely	Smith of Schley	Thigpen of Glascock
Pierce	Stiles	Tomlinson
Sartain	Sumner	Wages
Saunders	Tate	Wright

Those not voting were Messrs.:

Allison of Gwinnett	Culpepper of Mitchell	McNall
Allison of White	Davis of Floyd	Merritt
Beck	Dean	Moss
Binion	Elliott	Pannell
Bloodworth	English	Parker
Boyd of Cook	Forrester of Dade	Pilcher
Bray	Grant	Ragan
Brooks of Oglethorpe	Harden	Rawlins
Bruce	Hardman	Simmons
Bush	Hayes	Summerour
Campbell	Jones of Brantley	Terrell
Claxton	Kelley	Warren
Clements of Calhoun	Key	Whipple
Clements of Wheeler	McBride	Williams of Bacon
Coogler	McCracken	Yawn
Culpepper of Fayette	McGraw	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 115, the nays 42.

The bill having received the requisite constitutional majority was passed.

The following report of the Committee of Conference on House Bill No. 637 was submitted, read and adopted:

Mr. Speaker:

Your conference committee appointed on House Bill No. 637, submit the following report:

1. The Senate recedes from its position as to its amendment or substitute for said House bill.

2. Your committee amends said House Bill No. 637 by striking from Section 3, thereof, the figures "\$7,000.00," and substituting in lieu thereof the figures "\$6,000.00."

Respectfully submitted,

On the Part of the Senate:

Harrell of the 7th District.

Smith of the 24th District.

V C. Daves of the 14th District.

On the Part of the House:

Culpepper of Fayette.

Harrison of Jenkins.

Grayson of Chatham.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

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Mr. Speaker:

The Senate has agreed to the House amendment to the following bill of the Senate, to-wit:

By Senator Dunn of the 22nd District—

Senate Bill No. 14. A bill to repeal the Code so as to advertise Georgia as the "Peach State" on motor vehicle tags; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. Jones of Brantley—

House Bill No. 84. A bill changing the time of holding Superior Court of Brantley County; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. Whitaker of Appling—

House Bill No. 544. A bill amending the Act creating a board of Commissioners of Roads and Revenues for Appling County; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. Kennedy of Tattnall—

House Bill No. 793. A bill to amend an Act creating a Board of Commissioners of Roads and Revenues for the County of Tattnall, providing for five members instead of four; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Atkinson and Grayson of Chatham—

House Bill No. 757 A bill to amend the several Acts incorporating the City of Savannah, so as to provide for the extension of the corporate limits of said city; and for other purposes.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Messrs. Atkinson and Grayson of Chatham—

House Bill No. 757. A bill to be entitled an Act to amend the several acts relating to the Mayor and Aldermen of the City of Savannah; and for other purposes.

The following Senate amendment to House Bill No. 757 was read and agreed to:

The Senate moves to amend House Bill No. 757 by adding the following sections to said bill, in place of Sections 3 and 4 of the bill as passed by the House:

“Section 3. Be it further enacted by the authority aforesaid, that the Board of Education of Chatham County, Georgia, shall be and is hereby required to furnish to the school children of the area included in this bill the same transportation facilities to and from school that are now being enjoyed by such school children; it being the purpose of this section to preserve to the children of this area the same privileges they now enjoy by reason of living outside of the city limits of Savannah.

“Section 4. Be it further enacted by the authority aforesaid that by July 1, 1940, the Mayor and Aldermen of the City of Savannah shall furnish to the settled area included in this Act, reasonable police, health, and garbage disposal services, and that as soon as practicable thereafter, the said Mayor and Aldermen shall furnish to the densely populated area included herein reasonable water, drainage, and other municipal facilities.”

Sections 3 and 4 of the bill shall be numbered Sections 5 and 6.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Mr. Jones of Brantley—

House Bill No. 84. A bill to be entitled an Act to change the time of holding the Superior Court of Brantley County; and for other purposes.

The following Senate amendment to House Bill No. 84 was read and agreed to:

The Senate moves to amend House Bill No. 84 by striking Section 1 and sub-

stituting in lieu thereof a new section to be numbered Section 1 and to read as follows:

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 "That on September 1, 1939, after the passage of this Act, the Superior Court of Brantley County, Georgia, shall be held on the first Monday in September and the third Monday in January in each year and the first term of said court to be held under the provisions of this Act shall be the first Monday in September, 1939."

Under the special and continuing order of business, established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Abbot of the 18th District—

Senate Bill No. 98. A bill to be entitled an Act to amend an Act to provide for the formation of non-profit membership corporations for the purpose of engaging in rural electrification; and for other purposes.

The report of the Committee which was favorable to the passage of the bill was agreed to.

On the passage of the bill, the ayes were 123, the nays 0.

The bill having received the requisite constitutional majority was passed.

The following report of the Committee of Conference on House Bill No. 49, Unemployment Compensation Bill, was submitted and read:

#### REPORT OF THE JOINT CONFERENCE COMMITTEE ON HOUSE BILL NO. 49

Mr. President:

Mr. Speaker:

We, the undersigned committee of the Senate and of the House, for a conference on the differences between the House and Senate on House Bill No. 49 beg leave to make the following report:

That the House recede from its position in failing to adopt the Senate Amendment, known as Amendment No. 13 to House Bill No. 49, and we recommend that the House recede from its objection and adopt Senate Amendment No. 13.

House Conferees:  
 Allen of Dougherty.  
 Gross of Stephens.  
 Grayson of Chatham.

Senate Conferees:  
 Paul L. Lindsay,  
 Senator from 34th District.  
 A. N. Durden,  
 Senator from 10th District.  
 V C. Daves,  
 Senator from 14th District.

Mr. Grayson of Chatham moved the previous question, and the motion prevailed.

On the question of agreeing to the report of the Committee of Conference, Mr. Forrester of Crisp moved the ayes and nays, and the call was sustained.

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The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Gaines	McCracken
Allen	Gavin	McDaniel
Almand	Goddard	McGraw
Atkinson	Gowen	McNall
Bell	Graham	Middleton
Blackshear	Grayson	Miller
Bloodworth	Greene	Moore of Lumpkin
Branch	Grice	Moore of Taliaferro
Carmichael of Butts	Griffin	Pilcher
Chappell	Gross of Stephens	Preston
Clary	Gross of Washington	Purdy
Clements of Calhoun	Harrison of Crawford	Rossee
Conner	Harrison of Jenkins	Sartain
Corbett	Harvey	Saunders
Davidson	Hatchett	Scott
Davis of Floyd	Hayes	Smith of Henry
Dean	Herndon	Swindle
Douglass	Holtzendorff	Tate
Drake	Jackson	Terrell
Ennis, J. H.	Jones of Richmond	Thigpen of Evans
Ennis, Marion	Kendrick	Tipton
Etheridge of Baker	Key	Trippe
Etheridge of Fulton	Lanham	Vickery
Etheridge of Houston	Lanier	Wages
Evans of Laurens	Lewis	Wells
Flanders	Mankin	Whitaker
Foster	Marshall	Williams of Bacon
Fowler of Douglas	Mason	

Those voting in the negative were Messrs.:

Allison of White	Clements of Marion	Edwards of Taylor
Barlow	Clements of Wheeler	Elliott
Blease	Cobb	Evans of McDuffie
Boyd of Cook	Cook	Ferguson of Camden
Brooks of Oglethorpe	Culpepper of Fayette	Ferguson of Sumter
Bruce	Curry	Ford
Bush	Davis of Coweta	Forrester of Crisp
Bynum	DeFoor	Franklin of Bulloch
Candler	Drinkard	Goolsby
Carmichael of Cobb	Easley	Guyton
Cheney	Edwards of Lowndes	Harden

Hill	Parham	Stiles
Hinson	Pharr	Strickland of Haralson
Howard	Pierce	Strickland of Pierce
Jones of Brantley	Reid	Summerour
Jones of Paulding	Rogers	Sumner
Kimbrough	Roughton	Thigpen of Glascock
King	Rountree	Thornton
Looper	Sabados	Tomlinson
Maxwell	Sams	Williams of Ware
McBride	Sanders	Wohlwender
Mills	Sapp	Wright
Mosely	Smiley	
Pannell	Smith of Schley	

Those not voting were Messrs.:

Allison of Gwinnett	Culpepper of Mitchell	Kennedy
Ansley	Dallis	Lovett
Barrett	Daughtry	Merritt
Beck	Dickerson	Morgan
Bennett of Clarke	Dockery	Moss
Bennett of Ware	English	Parker
Binion	Forrester of Dade	Ragan
Boyd of Greene	Fowler of Treutlen	Rawlins
Bray	Franklin of Polk	Rees
Brooks of Jackson	Gill	Simmons
Campbell	Grant	Tippins
Carrington	Hardman	Turner
Carter	Henderson	Warren
Clark	Joel	Whipple
Claxton	Johnson	Wiggins
Connell	Kaigler	Yawn
Coogler	Kelley	Yeomans

By unanimous consent, the roll call was verified.

On the question of agreeing to the report of the Committee of Conference on House Bill No. 49, the ayes were 83, the nays 70.

The report of the Committee of Conference on House Bill No. 49 was disagreed to.

Mr. Gross of Stephens moved that the House recess for one hour, and the motion prevailed.

3:00 O'Clock, P. M.

The Speaker called the House to order.

The following resolution of the House was read:

By Messrs. Sartain of Walker and McCracken of Jefferson—

House Resolution No. 201.

#### A RESOLUTION

Resolved by the House that the Speaker of the House and his Secretary and Stenographer, and the Clerk of the House, be, and their action is hereby affirmed, in coming to the Capitol ten days before the General Assembly convened to make preparations for the opening thereof, and that they are hereby authorized to remain at the Capitol ten days after the adjournment of the General Assembly, for the purpose of affixing their official signatures to all bills and resolutions passed previous to said adjournment, and for the purpose of completion of records, bills, etc., which are necessary, and that they be allowed their per diem for said times.

Resolved that the Chairman, respectively, of the Engrossing, Enrollment and Auditing Committees, and not to exceed five members of each of said committees, to be appointed by the Chairman thereof, be and they are hereby authorized to remain at the Capitol ten days after adjournment for the purpose of bringing up the unfinished business of the session and that they be allowed their per diem for said time.

Resolved, the Postmistress of the House and her Assistant be, and she is hereby authorized to remain, at the Capitol five days after the adjournment of the General Assembly for the purpose of distributing and forwarding members' mail, and that she be allowed her per diem for said time.

Resolved further, that the Chairman, respectively, of the Committee on Appropriations be, and he is hereby authorized to remain, at the Capitol five days after adjournment of the General Assembly to ascertain and certify the correctness of the General Appropriations Bill and that he be allowed his per diem for said time.

Resolved further, that three porters of the House be, and they are hereby authorized to remain, at the Capitol six days after adjournment of the General Assembly, and that they be allowed their per diem for said time.

The following amendment to House Resolution No. 201, was read and adopted:

Mr. Evans of McDuffie moves to amend House Resolution No. 201, by striking therefrom in its entirety all references to Chairman of the Appropriations Committee.

The resolution, as amended, was adopted.

The following resolution of the House was read and adopted:

By Messrs. Harris, Lanier and Jones of Richmond, Edwards of Lowndes and Kendrick of Fulton—

House Resolution No. 202.

## A RESOLUTION

Whereas, the American taxpayers are providing billions of dollars for relief; and

Whereas, there are increasing rumors of padded payrolls and unwarranted use of foods and clothing by those in charge of WPA offices; and

Whereas, actual want and hunger continues to grow among the sick and afflicted, and among those that are on or should be on the WPA rolls for relief purposes; and

Whereas, when the different relief organizations are called upon to give a list of their office employees, their names, salaries, addresses and titles, and a list of administrative expenses, the public is denied this information and nothing given to the public; and

Whereas, the above stated facts have recently been discussed through papers published in Georgia;

Now, therefore, be it resolved by the House of Representatives of Georgia that the public, upon the recommendation of any grand jury in any county in any State calling for specific information, be given the information upon such grand jury's request, and that this information be given promptly through the relief officials when called upon so to do, and that the Congress of the United States do pass a joint resolution so directing and setting up the machinery to promptly furnish the information requested when requested, by a grand jury in any county in the United States, and authorizing the grand jury to make public the information furnished:

Resolved further, that a copy of this resolution be forwarded to the President of the United States, and each of the Senators from Georgia in the Senate of the United States, and to each of the Representatives from Georgia in the House of Representatives of the United States, and to Honorable Frank C. Harrington, Administrator of WPA, Washington, D. C., and a copy to Miss Gay B. Shepper-son, State Director of WPA, for Georgia.

Under the special and continuing order of business, established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Millican of the 52nd District—

Senate Bill No. 68. A bill to be entitled an Act to amend an Act creating the Charter of the City of Atlanta, relating to salaries of officers and employees; and for other purposes.

The following House amendment to Senate Bill No. 68 was read and adopted:

Mrs. Mankin of Fulton moves to amend Senate Bill No. 68 as follows:

By adding to the first (1) Section thereof, following the word "January" the words "And July" and by changing the word "month" where same appears in this section to "months."

The report of the Committee which was favorable to the passage of the bill was agreed to as amended.

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On the passage of the bill, as amended, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed as amended.

The following resolution of the House was read and adopted:

By Messrs. Conner of Dooly and Reid and Beck of Carroll—

House Resolution No. 203. A resolution urging the National Congress to pass a resolution to pay the family of S. F. Sewell, adequate and reasonable compensation due to the untimely death of Mr. Sewell, while in the employ of the Works Progress Administration; and for other purposes.

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senator Mavity of the 44th District—

Senate Bill No. 76. A bill to be entitled an Act to amend the Highway Mileage Act, by adding a road beginning at the Tennessee line; and for other purposes.

The report of the Committee which was favorable to the passage of the bill was agreed to.

On the passage of the bill, the ayes were 109, the nays 2.

The bill having received the requisite constitutional majority was passed.

By Senator Cail of the 17th District—

Senate Bill No. 25. A bill to be entitled an Act to regulate the hunting of certain game in Screven, Bulloch and Bryan Counties; and for other purposes.

The following House amendments to Senate Bill No. 25 were read and adopted:

Messrs. Aiken of Bulloch and Gill of Bryan move to amend Senate Bill No. 25 by striking from the caption the words Bulloch and Bryan and further move to amend Section 1 of the said bill by striking therefrom the words "Bryan and/or Bulloch."

Senate Bill No. 25.

Mr. Hill of Screven moves to amend Senate Bill No. 25 by adding the word "inclusive" after the word "four" on line five of Section 2, and by adding the word "inclusive" after the word "four" on line eight of Section 2.

The report of the Committee which was favorable to the passage of the bill was agreed to as amended.

On the passage of the bill, as amended, the ayes were 105, the nays 0.

The bill having received the requisite constitutional majority was passed as amended.

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By Senator Palmour of the 33rd District—

Senate Bill No. 5. A bill to be entitled an Act to repeal Section 95-2111 and to amend Section 95-2112, in regard to the bonded indebtedness of counties; and for other purposes.

The following House amendment to Senate Bill No. 5 was read and adopted:

Mr. Blackshear of Hall County offers the following amendments to Senate Bill No. 5, to-wit:

1. Said Senate Bill No. 5 is hereby amended by striking the caption thereof and inserting in lieu thereof a new caption to read as follows:

#### A BILL

“To be entitled an Act to repeal in its entirety Section 95-2111 of the 1933 Code, which said section relates to the proper application of funds received or realized from the certificates of indebtedness issued by the State Highway Department to the several counties and to the Coastal Highway District for assessments against said counties and district for construction of State Aid roads under supervision of the State Highway Department prior to September 1, 1931, and to enact in lieu thereof a new Code Section 95-2111 so as to provide for the proper payment to private contributors of the amounts contributed by them in the construction of State Aid roads under the supervision of the Highway Department prior to September 1, 1931; to repeal in its entirety an Act approved February 5, 1938, (Georgia Laws, Extra Session 1937-1938, pages 485-488), entitled ‘An Act to amend an Act approved March 1, 1933 (Georgia Laws, 1933, pages 161-172), entitled an Act to enable the State Highway Department of Georgia to effectually carry out and put into effect the provisions of the amendment to the Constitution of the State of Georgia, proposed by the General Assembly of Georgia by an Act approved August 25, 1931 (Georgia Laws, 1931, pages 97-101), and ratified in the manner prescribed in said Act at the general election held in the State of Georgia on November 8, 1932; to declare and define the amount of indebtedness of the several counties of this State, and the Coastal Highway District, liable for payment under the provisions of said amendment; to provide for annual installments and the maturities thereof for the payment of said indebtedness; to provide a method for issuing certificates of indebtedness and form therefor; to prescribe the manner of execution and delivery of such certificates; to provide for the transfer or negotiation of such certificates; to declare such certificates as instruments of government and non-taxable; to provide a penalty for forging or counterfeiting the same; to provide for the disposition of funds realized or received from said certificates of indebtedness; to provide for the adjudication of differences between any of the several counties hereinafter named and/or the Coastal Highway District, on the one hand, and the State Highway Department on the other; to provide for establishment of any original lost or destroyed certificates of indebtedness heretofore issued by the State High-

way Department to any county or district; and for other purposes'; and to repeal in its entirety Section 95-2112 of the 1933 Code, which said section relates to the purposes for which certificates of indebtedness issued by the State Highway Department to the several counties and to the Coastal Highway District for assessments against said counties and District for construction of State Aid roads under supervision of the State Highway Department prior to September 1, 1931, may be sold, and to enact in lieu thereof a new Code Section 95-2112 so as to provide that said certificates may be sold for the purpose of paying any proper and legal county debt, and so as to provide that said certificates shall not be sold at a greater discount than 5% per annum; and for other purposes."

2. Said Senate Bill No. 5 is hereby further amended by striking Section 1 of said Senate Bill in its entirety and inserting in lieu thereof a new Section 1 to read as follows:

#### Section 1.

"That Section 95-2111 of the 1933 Code, which said section relates to the proper application of funds received or realized from the certificates of indebtedness issued by the State Highway Department to the several counties and to the Coastal Highway District for assessments against said counties and District for construction of State Aid roads under the supervision of the State Highway Department prior to September 1, 1931, be, and the same is hereby repealed in its entirety, and there is hereby enacted in lieu thereof a new Section 95-2111 to read as follows:

'95-2111. Where private persons contributed to any fund or funds used in the construction and/or paving of the public roads or highways (including bridges) of the State which were a part of the State Aid roads of the Highway System, and said work was done under the supervision of the Highway Department, prior to September 1, 1931, and for which Highway certificates are issued to the counties; the governing authorities of the several counties wherein said work was done are hereby authorized and empowered to ascertain the amounts of the several contributions made by the aforesaid persons, and the amount thereof included in the highway refunding certificates, and to pay to the aforesaid persons, their heirs or assigns, 10% of the amount of such contributions, as included in said highway certificates, upon the maturity and payment to said counties of each of the aforesaid certificates of indebtedness.'"

3. Said Senate Bill No. 5 is hereby further amended by adding a new Section thereto to be designated as Section 1-A, which said new Section 1-A shall read as follows:

#### Section 1-A.

"That an Act approved February 5, 1938, (Georgia Laws, Extra Session 1937-1938, pages 485-488), entitled 'An Act to amend an Act approved March 1, 1933, (Georgia Laws 1933, pages 161-172), entitled an Act to enable the State Highway Department of Georgia to effectually carry out and put into effect the provisions

of the amendment to the Constitution of the State of Georgia, proposed by the General Assembly of Georgia by an Act approved August 25, 1931, (Georgia Laws, 1931, pages 97-101), and ratified in the manner prescribed in said Act at the general election held in the State of Georgia on November 8, 1932; to declare and define the amount of indebtedness of the several counties of this State, and the Coastal Highway District, liable for payment under the provisions of said amendment; to provide for annual installments and the maturities thereof for the payment of said indebtedness; to provide a method for issuing certificates of indebtedness and form therefor; to prescribe the manner of execution and delivery of such certificates; to provide for the transfer or negotiation of such certificates; to declare such certificates as instruments of government and non-taxable; to provide a method of registration for such certificates; to provide a penalty for forging or counterfeiting the same; to provide for the disposition of funds realized or received from said certificates of indebtedness; to provide for the adjudication of differences between any of the several counties hereinafter named and/or the Coastal Highway District, on the one hand, and the State Highway Department on the other; to provide for establishment of any original lost or destroyed certificates of indebtedness heretofore issued by the State Highway Department to any county or district; and for other purposes', be, and the same is hereby, repealed in its entirety."

4. Said Senate Bill No. 5 is hereby further amended by striking Section 2 of said Senate Bill in its entirety, and inserting in lieu thereof a new Section 2 to read as follows:

#### Section 2.

"That Section 95-2112 of the 1933 Code, which said section relates to the purposes for which certificates of indebtedness issued by the State Highway Department to the several counties and to the Coastal Highway District for assessments against said counties and District for construction of State Aid roads under the supervision of the State Highway Department prior to September 1, 1931, may be sold, be, and the same is hereby repealed in its entirety, and there is hereby enacted in lieu thereof a new Code Section 95-2112 to read as follows:

'95-2112. Sale of Certificates.—Said political subdivisions are hereby authorized to sell any of the said certificates of indebtedness of said State Highway Department for the purpose of paying any proper and legal county debt; Provided, that in the event of sale the same shall not be discounted at a rate exceeding 5% per annum.'

The following amendment to the amendment to Senate Bill No. 5, was read and adopted:

Messrs. Blackshear of Hall and Culpepper of Fayette—

Move to strike Section 2 of the Amendment to Senate Bill No. 5.

The report of the Committee which was favorable to the passage of the bill was agreed to as amended.

By unanimous consent, the House reconsidered its action in agreeing to the report of the Committee.

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Mr. Bell of Gray moved that the bill be referred to a sub-committee to study the bill and report back to the House.

As a sub-committee to study the bill, the Speaker appointed the following members of the House:

Messrs. Bell of Grady,  
Blackshear of Hall, and  
Atkinson of Chatham.

By Senators Holt of the 3rd, Brooks of the 8th, McGinty of the 43rd, Chastain of the 41st and Durden of the 10th Districts—

Senate Bill No. 144. A bill to be entitled an Act to regulate the powers of the co-operative associations organized under the co-operative marketing Act; and for other purposes.

The report of the Committee which was favorable to the passage of the bill was agreed to.

On the passage of the bill, the ayes were 118, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senators Thomason of the 28th and Causey of the 46th Districts—

Senate Bill No. 117. A bill to be entitled an Act to regulate the Chiropractic Practice in the State with reference to eligibility to practice; and for other purposes.

The report of the Committee which was favorable to the passage of the bill was agreed to.

On the passage of the bill, the ayes were 117, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Brinson of the 42nd District—

Senate Bill No. 219. A bill to be entitled an Act to amend an Act changing the classes and amounts of commissions allowed Tax Receivers and Tax Collectors of the State and County taxes; and for other purposes.

The following House amendment to Senate Bill No. 219 was read and adopted:

Mrs. Mankin moves to amend Senate Bill No. 219 by adding at the end of Section 3, the following:

“Provided, however, that in counties having a population of two hundred thousand or more according to the census of 1930 where the tax commissioner or tax

collector, as the case may be, is on a salary the commissions referred to herein shall be paid into the treasury of such counties.”

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The report of the Committee which was favorable to the passage of the bill was agreed to as amended.

On the passage of the bill as amended, the ayes were 108, the nays 1.

The bill having received the requisite constitutional majority was passed as amended.

The following resolution of the House was read and adopted:

By Messrs. Foster of Towns, Grant of Habersham, Goddard of Spalding and Cook of Chattooga—

House Resolution No. 204.

#### A RESOLUTION

Whereas, the wife of the Hon. Jim Clark, representative in this body from Catoosa County, has just been seriously ill in the hospital;

Whereas, this body is in sincere sympathy with our friend, Mr. Clark;

Therefore, be it resolved by the House of Representatives that its best wishes for a speedy recovery of his wife be extended to Mr. Clark.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendments to the following bills of the Senate, to-wit:

By Senator Cail of the 17th District—

Senate Bill No. 25. A bill to regulate the hunting of deer, squirrel and quail in Screven and Bulloch Counties; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 68. A bill to amend an Act establishing a new Charter for the City of Atlanta.

The Senate recedes from its position and withdraws Amendment No. 2 to the following bill of the House, to-wit:

By Messrs. Gowan of Glynn, Ferguson of Camden, and others—

House Bill No. 354. A bill amending the Code of which sections provide for an open season for hunting in certain territory in this State; and for other purposes.

The Senate disagrees to the House amendment to the following bill of the Senate, to-wit:

By Senator Brinson of the 42nd District—

Senate Bill No. 219. A bill to amend an Act changing the classes and amounts of commissions allowed the Tax Receivers and Tax Collectors of State and County taxes; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has adopted the report of the conference committee on the following bill of the House, to-wit:

By Mr. Culpepper of Fayette—

House Bill No. 637. A bill creating a State Division of Confederate Pensions and Records; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following resolution of the Senate, to-wit:

By Senator Williams of the 31st District—

Senate Resolution No. 52. A resolution naming the bridge over the Chattahoochee River, between Habersham and White Counties, The Sidney Lanier Bridge.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 270. A bill to provide for and regulate compensation of Court Reporters in the Superior Courts of counties having a population of 200,000 or more; and for other purposes.

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senators Abbot of the 18th, Brown of the 4th and Causey of the 46th Districts—

Senate Bill No. 156. A bill to be entitled an Act repealing an Act to prescribe

the manner of incorporating the towns and villages of this State; and for other purposes.

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The report of the Committee which was favorable to the passage of the bill was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District—

Senate Bill No. 172. A bill to be entitled an Act to aid the Western and Atlantic Railroad by the creation of a commission authorized to contract in the name and on behalf of the State of Georgia for the construction, occupancy, use and maintenance of income producing buildings; and for other purposes.

Mr. Jones of Richmond moved the previous question, the motion prevailed, and the main question ordered.

The following House amendments to Senate Bill No. 172 were read and adopted:

Mr. Evans of McDuffie moves to amend Senate Bill No. 172 by adding a new section immediately before the repealing clause, to be appropriately numbered and to read as follows:

Section 5 A. That any contract made by said Commission herein provided for shall be submitted to the General Assembly meeting next after the execution of said contract for approval or disapproval, and unless approved by said General Assembly, said contract shall be void.

Messrs. Connell of Lowndes, Carmichael of Cobb and Grayson of Chatham moves to amend Senate Bill No. 172 by striking in Section (5) the following:

“Shall pay taxes to the State of Georgia, the County of Fulton, and the City of Atlanta upon the building or buildings occupying said property on the same basis as is now being paid” and by inserting in lieu thereof the following: “The lessee or lessees shall pay taxes on any such extension of the present lease or leases on a basis as may be hereafter provided by the General Assembly of Georgia and by the local governing authorities of the County of Fulton, and/or the City of Atlanta.”

Mr. Lewis of Burke moved that the House reconsider its action in adopting the amendment offered by Mr. Connell of Lowndes and others, and the motion was lost.

The following House amendment to Senate Bill No. 172 was read:

Mr. Carmichael of Cobb moves to amend Senate Bill No. 172 by striking Section 5 thereof in its entirety.

On adoption of the amendment, Mr. Jones of Brantley moved the ayes and nays, and the call was not sustained.

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On the adoption of the amendment, the ayes were 23, the nays 84.

The amendment was lost.

Messrs. Jones of Brantley, Sanders of Banks and Davis of Coweta requested that the Journal show that they voted for the adoption of the amendment.

The following House amendment to Senate Bill No. 173 was read and adopted:

Mr. Carmichael of Cobb moves to amend Section 4 of Senate Bill No. 172 by striking the words "by appointment of the Commission upon a majority vote thereof" and inserting in lieu thereof "by election by a majority of the members elected to the House of Representatives, the Senate concurring."

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, Mr. Jones of Brantley moved the ayes and nays, and the call was not sustained.

On the passage of the bill, the ayes were 111, the nays 16.

The bill having received the requisite constitutional majority was passed, as amended.

Messrs. Sanders of Banks, Jones of Brantley and Davis of Coweta requested that the Journal show they voted against the passage of the bill.

Mr. Atkinson of Chatham requested that the Journal show him as not voting.

The following resolution of the House was read and adopted:

By Messrs. Evans of McDuffie and Forrester of Crisp—

House Resolution No. 205.

Whereas, a Senate Committee has adversely reported the resolution known as the Economy Committee Resolution, providing for a joint House and Senate Committee to remain in session to effect economies through recommendations after sine die adjournment of the present session of the General Assembly,

And whereas said action of the Senate is equivalent to killing said resolution for the session, as the Senate has adjourned without reading said resolution a second time,

And whereas the people of this State are anxious for these economies to be made if possible, and are anxious for a thorough investigation of all State Departments,

Therefore, Be it resolved by the House of Representatives that the Economy

Committee of the House of Representatives be authorized to continue in session after sine die adjournment of the present session of the General Assembly, and that they be empowered to investigate all departments of the State Government, and make recommendations to the governor and to the next session of the General Assembly, and that such committee may stay in session for a period of not exceeding ninety days; and shall receive as compensation therefor the sum of \$7.00 per day for each member, with such clerical help as they may deem proper, compensation not to exceed \$15.00 per day, and that such sums be paid out of the appropriation for the House of Representatives.

Be it further resolved by the House of Representatives that the personnel of said Committee be the same, unless by resignation there should be a vacancy, and in that event said Committee shall be authorized to elect a successor to fill such vacancy.

Mr. Wohlwender of Muscogee moved that the House do now adjourn until 9:00 o'clock tomorrow morning.

The motion to adjourn was lost.

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senator Palmour of the 33rd District—

Senate Bill No. 200. A bill to be entitled an Act to amend Chapter 95-18 of the Code of Georgia of 1933, relating to the designation of railroad crossings as safe or unsafe; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 3.

The bill having received the requisite constitutional majority was passed.

Mrs. Mankin of Fulton moved that the House recede from its position on the House amendment to the following bill of the Senate and the motion prevailed.

By Senator Brinson of the 42nd District—

Senate Bill No. 219. A bill to be entitled an Act to amend an Act changing the classes and amounts of commissions allowed to Tax Receivers and Tax Collectors of State and County taxes; and for other purposes.

Under the special and continuing order of business, established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senators Cail of the 17th, Daves of the 14th, Dorminy of the 45th, and Holt of the 3rd Districts—

Senate Bill No. 29. A bill to be entitled an Act to prohibit the State Board of Medical Examiners and State Board of Pharmacy Examiners from issuing licenses to persons other than American citizen; and for other purposes.

The following House Committee amendment to Senate Bill No. 29, was read and adopted:

## SECTION 2.

BE IT FURTHER ENACTED by the authority aforesaid that any person who was not born or naturalized in the United States or who is not a citizen of the United States and who obtains, after the passage of this Act, a license to practice medicine or pharmacy in this State shall be guilty of a misdemeanor, and shall be punished as prescribed in Section 27-2506 of the Code of Georgia of 1933. Provided; that notwithstanding the foregoing provisions, any person residing in Georgia at the time of the passage of this Act and who has been a resident of Georgia not less than three months, and who has been a practicing physician in a foreign state or country for at least twenty years, and can show that he is a graduate of a medical school approved by the Association of American Medical Colleges, or the State Board of Medical Examiners of Georgia, and who shall have filed his first citizenship papers, shall be entitled to take the examination given by the Medical Board to applicants for a license to practice medicine in this State, and upon passing such examination shall be entitled to a temporary license to practice medicine in this State, which license shall be good for six years only; at the end of six years if such person shall have become a naturalized citizen of the United States a permanent license shall be issued him; if he has not become a naturalized citizen no further license shall be issued him.

The report of the Committee, which was favorable to the passage of the bill, as amended, was agreed to.

On the passage of the bill, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Allison of White	Carmichael of Butts	Dallis
Atkinson	Carmichael of Cobb	Davidson
Barrett	Carrington	DeFoor
Bell	Chappell	Drake
Bennett of Clarke	Cheney	Drinkard
Bennett of Ware	Clary	Edwards of Lowndes
Blackshear	Claxton	Elliott
Bloodworth	Clements of Calhoun	Ennis, J. H.
Boyd of Cook	Clements of Marion	Ennis, Marion
Branch	Clements of Wheeler	Etheridge of Baker
Bray	Cobb	Etheridge of Fulton
Brooks of Jackson	Connell	Etheridge of Houston
Bruce	Conner	Evans of McDuffie
Bush	Cook	Ford
Bynum	Corbett	Forrester of Crisp

Foster	Jones of Richmond	Roughton
Fowler of Douglas	Kelley	Sams
Fowler of Treutlen	Kendrick	Sartain
Gaines	Kennedy	Smiley
Gavin	Kimbrough	Smith of Schley
Gill	King	Strickland of Haralson
Gowen	Lanham	Strickland of Pierce
Grant	Looper	Sumner
Greene	Lovett	Swindle
Grice	Mason	Tate
Griffin	Maxwell	Terrell
Gross of Stephens	McBride	Thornton
Gross of Washington	McCracken	Tomlinson
Harrison of Jenkins	McNall	Turner
Hayes	Middleton	Vickery
Hill	Moore of Taliaferro	Wages
Hinson	Morgan	Wells
Holtzendorff	Pannell	Whipple
Jackson	Parham	Whitaker
Joel	Pharr	Williams of Ware
Jones of Brantley	Reid	

Those voting in the negative were Messrs.:

Aiken	Goddard	Pierce
Ansley	Hatchett	Rogers
Barlow	Jones of Paulding	Stiles
Blease	McGraw	Wiggins
Brooks of Oglethorpe	Parker	Williams of Bacon

Those not voting were Messrs.:

Allen	Dean	Guyton
Allison of Gwinnett	Dickerson	Harden
Almand	Dockery	Hardman
Beck	Douglass	Harrison of Crawford
Binion	Easley	Harvey
Boyd of Greene	Edwards of Taylor	Henderson
Campbell	English	Herndon
Candler	Evans of Laurens	Howard
Carter	Ferguson of Camden	Johnson
Clark	Ferguson of Sumter	Kaigler
Coogler	Flanders	Key
Culpepper of Fayette	Forrester of Dade	Lanier
Culpepper of Mitchell	Franklin of Bulloch	Lewis
Curry	Franklin of Polk	Mankin
Daughtry	Goolsby	Marshall
Davis of Coweta	Graham	McDaniel
Davis of Floyd	Grayson	Merritt

Miller	Rossee	Thigpen of Glascock
Mills	Rountree	Tippins
Moore of Lumpkin	Sabados	Tipton
Mosely	Sanders	Trippe
Moss	Sapp	Warren
Pilcher	Saunders	Wohlwender
Preston	Scott	Wright
Purdy	Simmons	Yawn
Ragan	Smith of Henry	Yeomans
Rawlins	Summerour	
Rees	Thigpen of Evans	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 107, the nays 14.

The bill having received the requisite constitutional majority was passed.

By Senators Moore of the 47th and Estes of the 35th Districts—

Senate Bill No. 84. A bill to be entitled an Act to authorize the Regents of the University System of Georgia by condemnation to take or damage private property; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 33. A bill to be entitled an Act to amend the Housing Co-operation Law; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 35. A bill to be entitled an Act to declare valid and legal the establishment and organization of housing authorities, bonds, notes, contracts, agreements of such housing authorities; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

~~The bill having received~~ the requisite constitutional majority was passed.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 36. A bill to be entitled an Act confirming certain bonds and obligations of any state authority created by the General Assembly; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 70. A bill to be entitled an Act amending an Act with reference to the creation of the Housing Authority in this State; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District

Senate Bill No. 65. A bill to be entitled an Act to amend Section 38-1504 of the Civil Code of 1933 of Georgia, dealing with witnesses who fail to answer a subpoena by adding thereto power of court to punish such witness by imprisonment; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed.

By unanimous consent, the following Committee Reports were read:

Mr. Lanier of Richmond County, Chairman of the Committee on Amendments to Constitution No. 1, submitted the following report:

Mr. Speaker:

Your Committee on Amendments to Constitution No. 1 have had under

consideration the following bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

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Senate Bill No. 140. Do pass.

Respectfully submitted,

Lanier of Richmond, Chairman.

Mr. Allen of Dougherty County, Chairman of the Committee on Hygiene and Sanitation, submitted the following report:

Mr. Speaker:

Your Committee on Hygiene and Sanitation have had under consideration the following bill of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 208. Do pass.

Respectfully submitted,

Allen of Dougherty, Chairman.

Mr. Kendrick of Fulton County, Chairman of the Committee on Industrial Relations submitted the following report:

Mr. Speaker:

Your Committee on Industrial Relations have had under consideration the following bill of the Senate and have instructed me as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 214. Do pass.

Respectfully submitted,

Kendrick of Fulton, Chairman.

Mr. Almand of Walton County, Chairman of the Committee on Penitentiary, submitted the following report:

Mr. Speaker:

Your Committee on Penitentiary have had under consideration the following bill of the Senate and have instructed me as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 220. Do pass.

Respectfully submitted,

Almand of Walton, Chairman.

Mr. Rees of Webster County, Chairman of the Committee on Public Welfare, submitted the following report:

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Mr. Speaker:

Your Committee on Public Welfare have had under consideration the following bill of the Senate and have instructed me as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 231. Do pass.

Respectfully submitted,

Rees of Webster, Chairman.

Mr. Edwards of Lowndes County, Chairman of the Committee on State of Republic, submitted the following report:

Mr. Speaker:

Your Committee on State of Republic have had under consideration the following resolution of the Senate and have instructed me, as Chairman, to report the same back to the House with the following recommendation:

Senate Resolution No. 57. Do pass.

Respectfully submitted,

Edwards of Lowndes, Chairman.

Mr. Clements of Wheeler County, Chairman of the Committee on Western and Atlantic Railroad, submitted the following report:

Mr. Speaker:

Your Committee on Western and Atlantic Railroad have had under consideration the following bill of the Senate and have instructed me as Chairman, to report the same back to the House with the following recommendation:

Senate Bill No. 224. Do pass.

Respectfully submitted,

Clements of Wheeler, Chairman.

By unanimous consent, the following bills and resolution of the Senate, favorably reported, were read the second time:

By Senators Smith of the 24th, Daves of the 14th and Cail of the 17th Districts—

Senate Bill No. 140. A bill to be entitled an Act proposing an amendment to Article 7, Section 2, Paragraph 2-A, of the Constitution as embodied in Code Section 2-5003 of the Code of 1933, exempting industries engaged in the manufacture or processing of livestock, farm products, from taxation for a period of five years, and for other purposes.

By Senator Durden of the 10th District—

Senate Bill No. 208. A bill to be entitled an Act to empower the State Department of Public Health to acquire property for certain purposes; and for other purposes.

By Senator Millican of the 52d District—

Senate Bill No. 214. A bill to be entitled an Act to provide for the examination of master and journeyman plumbers and steam fitters, carrying on said vocations in counties having a population of 150,000 inhabitants or more by the United States Census of 1930 or any future United States Census; and for other purposes.

By Senator Redman of the 26th District—

Senate Bill No. 220. A bill to be entitled an Act to amend Section 77-341 of the Code of Georgia, relating to the commutation of term of good behavior to convicts by the Superintendent of the Penitentiary; and for other purposes.

By Senator Durden of the 10th District—

Senate Bill No. 224. A bill to be entitled an Act to amend an Act to authorize and empower the Governor to assign and set apart the rentals of the Western and Atlantic Railroad, etc.; and for other purposes.

By Senator Lindsay of the 34th District—

Senate Bill No. 231. A bill to be entitled an Act to create in the State Welfare Department a Division of Deaf Mutes, to define the duties of said Division; and for other purposes.

By Senators Smith of the 24th, Daves of the 14th and Cail of the 17th Districts—

Senate Resolution No. 57. A resolution by the Senate and the House concurring that a State Road Survey Council of 18 members shall be established; and for other purposes.

The following report was submitted and ordered filed in the Journal.

To the Members of the Senate and  
House of Representatives:

Under authority of Act approved March 28th, 1935, Page 468, Georgia Laws, there was created the State Properties Commission, composed of the Governor of the State, Chairman of the Public Service Commission and the State Treasurer. This Commission was formed for the purpose of managing, controlling, leasing and preserving the Hotel Properties located in Chattanooga, Tennessee.

Under date of June 28th, 1935, this Commission leased the Plaza Hotel to the Plaza Hotel Company, Incorporated, Paul N. McQuiddy, President, for a period of five years commencing June 1st, 1935, at a yearly rental of \$6,075.00, with the privilege of renewing this lease for a further term of five years from June 1st, 1940, to May 1st, 1945, at a yearly rental of \$10,600.00.

The lease further stipulated that not less than \$12,000.00 should be expended by the lessee in maintenance within the period of the first five years. To date there has been expended the total sum of \$21,944.78 under this agreement in maintenance.

The Eastern Hotel was leased at the same time to the Eastern Hotel Company, operated by Mr. and Mrs. P. C. Steele, at a yearly rental of \$4,200.00 with an option to renew at the expiration of the first five years for another five years at a yearly rental of \$5,400.00.

When these properties were taken over by this Commission, there was \$20,000.00 in back taxes unpaid, both buildings were in a dilapidated condition, which, of course, made the value of the property far below normal. This Commission has by its operation, paid off the entire back indebtedness for taxes and greatly enhanced the values of the properties. All taxes due to the City of Chattanooga, Hamilton County, and the State of Tennessee are paid in full to date and we have established the practice of paying the taxes in time to get the discounts allowed.

The Plaza Hotel is a valuable property and classed as a second rate hotel. The Eastern Hotel is valuable because of its location, but is distinctly a third class hotel. These properties are located in the heart of the City of Chattanooga and we feel that at the expiration of the leases for the first five years, when the difficulties encountered when this Commission took over this property are overcome, they will yield a commensurate revenue to the State in relation to their normal value. As the Properties have been inspected by the W and A. Committee of the Senate and House of Representatives within the past thirty days, we do not feel that it is necessary to further amplify this report.

This report is made to your body in conformity with the requirements with the Acts of 1935 creating the Hotel Properties Commission.

STATE PROPERTIES COMMISSION,

E. D. Rivers,  
Governor,

W A. McDonald,  
Chairman, Public Service Commission,

Geo. B. Hamilton,  
State Treasurer.

March, 17, 1939.

Mr. Gross of Stephens moved that the House do now adjourn until 9:00 o'clock tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until tomorrow morning at 9:00 o'clock.

Representative Hall, Atlanta, Ga.,

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Saturday, March 18th, 1939.

The House met pursuant to adjournment this day at 9:00 o'clock, A. M., was called to order by the Speaker and opened with prayer by the Chaplain.

By unanimous consent, the call of the roll was dispensed with.

Mr. Jones of Richmond, Acting-Chairman of the Committee on Journals, reported that the Journal of yesterday's proceedings had been read and found correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business, during the first period of unanimous consents:

1. Reports of Standing Committees.
2. Third reading and passage of local uncontested Senate bills and resolutions.

Mr. Sartain of Walker County, Chairman of the Committee on Engrossing, submitted the following report:

Mr. Speaker:

Your Committee on Engrossing has examined, found properly engrossed and ready for transmission to the Senate, the following resolutions of the House, to-wit:

House Resolutions Nos. 203, 213, 214, 215, 216, 217.

Respectfully submitted,

Sartain of Walker, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills and resolutions of the House, to-wit:

House Bills Nos. 84, 219, 258, 270, 358, 529, 540, 591, 614, 621, 622, 665, 721, 764, 649, 729, 730.

House Resolutions Nos. 63-259 D, 176, 184, 185, 189.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:  
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Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills and resolutions of the House, to-wit:

House Bills Nos. 137, 354, 404, 436, 544, 637, 653, 727, 728, 733, 742, 747, 759, 760, 766, 774, 783, 785, 787, 789, 796, 800, 801, 802, 805, 807, 810, 822, 823, 808, 67. 122, 352.

House Resolutions Nos. 60-259 A, 61-259 B, 64-259 E, 93-361 C, 124-467 A, 128-480 A, 171-740 A, 177-779 A, 186-807 A, 203, 216, 217, 11-49 A.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills of the House, to-wit:

House Bills Nos. 636, 640, 644, 645, 646, 647, 651, 657, 669, 670, 672, 673, 674, 674-A, 675, 677, 679, 687, 694.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills of the House, to-wit:

House Bills Nos. 23, 33, 86, 89, 121, 135, 171, 274, 276, 277, 309, 322, 334, 386, 407, 660, 744, 782.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

~~Your Committee~~ on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills and resolution of the House, to-wit:

House Bills Nos. 266, 414, 420, 469, 473, 474, 576, 478, 606, 611, 616, 618, 619, 623, 624, 625, 626, 635, 638, 693, 701, 704, 712, 718, 719, 720, 734, 745, 748, 756, 773, 781, 364, 507, 767, 809, 820.

House Resolutions Nos. 197, 132-497A, 165-647A.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills of the House, to-wit:

House Bills Nos. 225, 301, 344, 427, 471, 486, 491, 494, 517, 536, 650, 655, 664, 688, 695, 702, 711, 716, 738, 743, 780, 784, 795.

Respectfully submitted,

Ansley of Lee, Chairman.

Mr. Ansley of Lee County, Chairman of the Committee on Enrollment, submitted the following report:

Mr. Speaker:

Your Committee on Enrollment has examined, found properly enrolled and ready for transmission to the Governor, the following bills and resolutions of the House, to-wit:

House Bills Nos. 49, 76, 124, 136, 213, 244, 280, 284, 328, 333, 359, 378, 472, 537, 556, 571, 578, 580, 607, 617, 698, 737, 739, 750, 755, 758, 811.

House Resolutions Nos. 34-156 A, 37-160 B, 46-186 B 51-214 A, 55-241 A, 62-259 C, 142-533 B.

Respectfully submitted,

Ansley of Lee, Chairman.

Under the special and continuing order of business, established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Millican of the 52nd District—

Senate Bill No. 214. A bill to be entitled an Act to provide for the examination of master and journeyman plumbers in counties of a certain population; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 110, the nays 0.

The bill having received the requisite constitutional majority was passed.

The following bills of the House were taken up for the purpose of considering the Senate amendments thereto:

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 270. A bill to be entitled an Act regulating the compensation of Court Reporters in the Superior Courts of counties having a certain population; and for other purposes.

The following Senate amendment to House Bill No. 270, was read and agreed to:

The Senate moves to amend House Bill 270 by striking the words in Section 1, line 6 "forty two" and inserting in lieu thereof "thirty six"

By Mr. Whitaker of Appling—

House Bill No. 544. A bill to be entitled an Act to amend Georgia Laws 1915, pages 141-147, creating a Board of Commissioners of Roads and Revenues for the County of Appling; and for other purposes.

The following Senate substitute to House Bill No. 544, was read and agreed to:

The County and County Matters Committee of the State Senate substitutes for House Bill No. 544, being a bill to amend an Act approved July 29, 1915, (Georgia Laws 1915, pages 141-147) creating a Board of Commissioners of Roads and Revenues for the County of Appling, prescribing their powers and duties, fixing their compensation, and for other purposes, the following:

#### A BILL

To be entitled an Act to create the office of Commissioner of Roads and Revenues for the County of Appling; to provide that the Commissioner of Roads and Revenues of the County of Appling, acting in conjunction with the Ordinary and Clerk of the Superior Court of said county, shall have control of all the fiscal affairs of the County of Appling; to provide for his election and for his recall; to define his duties and provide for his compensation; to provide for a clerk for said Commissioner and compensation for said clerk; to provide for compensation for the Ordinary acting in conjunction with the Commissioner of Roads and Revenues; to provide for the proper supervision of the Acts of the Commissioner of Roads and Revenues and the auditing of his books; to repeal the Act approved July 29, 1915 (Georgia Laws 1915, pages 141-147) creating the Board of Com-

missioners of Roads and Revenues for Appling County, and all acts amendatory thereof; and for other purposes.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. That from and after the first day of January, 1941, the county affairs of Appling County shall be administered by a Commissioner of Roads and Revenues, and for that purpose the office of Commissioner of Roads and Revenues of Appling County is hereby created. He, acting in conjunction with the Ordinary and Clerk of the Superior Court of said county, shall have such control of the county affairs generally, as is now conferred by law upon the present Board of Commissioners of Roads and Revenues of said county, except as especially qualified by this Act.

Section 2. That said Commissioner of Roads and Revenues shall be elected by the qualified voters of Appling County at the time county officers of Appling County are elected in the year 1940, and such Commissioner of Roads and Revenues shall take office on January 1, 1941. He shall serve for a term of four years, and until his successor is elected and qualified. The succeeding term of said Commissioner of Roads and Revenues shall be for a term of four years and he shall be elected by the qualified voters of said county at the regular election held for county officers.

Section 3. That the Commissioner, before entering on the duties of his office, shall give bond with good security approved by the Ordinary of said county, in the sum of Ten Thousand (\$10,000.00) Dollars, payable to the Treasurer of the county, and his successor in office, and conditioned upon the faithful discharge of his duties and the carrying out of the provisions of this Act, and for any violation of the conditions thereof, said bond may be sued upon in the name of the county treasurer, whether on his own motion or by direction of said county; and the commissioner and his security shall be liable upon said bond for any breach thereof by way of malfeasance or misfeasance in office.

Section 4. That said Commissioner, before entering upon his duties, shall make oath before the Ordinary of the County, to faithfully administer all affairs to the best interest of the county.

Section 5. That the salary of said Commissioner shall be Twenty-four hundred (\$2,400.00) Dollars per annum, to be paid monthly out of the treasury of said county. The grand jury sitting in regular session just before the expiration of term of said Commissioner, may change the salary of said Commissioner, but no change shall be made during the term of a Commissioner.

The clerk of said Commissioner shall be the clerk of the Superior Court of said county, whose salary shall be Nine Hundred (\$900.00) Dollars per annum to be paid monthly out of the treasury of said county.

Section 6. That it shall be unlawful for any candidate for Commissioner to enter into any agreement with any person or persons as to the disposal of any

work or the purchase of any supplies, or any appointment under his control, and any person so offending shall be ineligible to hold said office.

Section 7. That said Commissioner shall select one regular day of each week in which he shall remain in his office at the Court House for the transaction of public business in connection with his office, and the balance of his working time shall be spent in the personal supervision of laying out road work, bridges, and the inspection of all public property, especially of the measure and delivery of supplies to the convict camp, and the general direction and management of said camp, in the most economical manner. The clerk of said Commissioner shall keep his office open each day of the week, and make a record of all complaints, and other matters, and call the notice of the Commissioner to same.

Section 8. That said Commissioner shall keep in constant touch with the State and Federal authorities who have charge of roads and road building; shall secure, and keep in his office, and familiarize himself with all the free bulletins bearing upon the subject of road building; and it shall be his duty at all times to entertain and discuss suggestions as to road building.

Section 9. That it shall be the duty of said Commissioner acting with the clerk and Ordinary, to supply from the ad valorem tax for roads and from such other funds as may be available to the county for road purpose, such machinery, mule and gasoline power, and other equipment as shall be necessary to work the public roads of said county in a manner in keeping with the revenue of said county, and serving the greatest number of people in the best manner.

Section 10. That the first permanent road work under this Act shall be done in that section or sections where it will do the greatest good to the greatest number; and this policy shall be continued in all permanent road work. The Commissioner shall apply the most efficient means of keeping in a state of continuous repair, all such permanently constructed mileage, of all roads in said county not maintained by State or other agencies.

Section 11. That said Commissioner shall direct his clerk, at the end of each month, to make out a list of all expenditures during the month for which warrants have been issued, signed by the clerk and the Ordinary and numbered, and the names to whom issued, and for what issued.

Section 12. That said Commissioner at the end of each quarter, shall make out an itemized account of all the transactions of his office, stating the amount of money or moneys received, and from what source; the amount of money or moneys expended, and for what purpose, during that quarter, and publish the same in the official organ of said county. He shall undersign each quarterly statement so published under oath, as follows: "I ....., Commissioner of Roads and Revenues of Appling County, do solemnly swear that the above is a full and true statement of the monetary transactions of this office for the quarter ending ....., and that I have not received any rebates or drawbacks, nor have I personally profited or known of any illegal personal profit to anyone whomsoever through any transaction of this office.

"Signed ....."

Section 13. That it shall be a misdemeanor for the Commissioner, clerk or Ordinary, or anyone employed by either of them, to have any financial interest in the transaction of any business in connection with the purchase or sale of any goods or supplies, machinery or mules, or anything for said county.

Section 14. That in case of a vacancy in the office of Commissioner, by reason of death or otherwise, the Ordinary of said county shall serve as his successor until a successor is elected and qualified; such vacancy shall be filled by a special election called by the clerk of the Superior Court of said county, and held within thirty days after said death, resignation, or other cause bringing about such a vacancy.

Section 15. That the grand jury sitting at the first regular term in each year, shall appoint two or more auditors to audit the books, accounts and warrants of said Commissioner, clerk and Ordinary. Said auditors shall have power to examine, under oath, said Commissioner, clerk, and Ordinary, relative to any account, item or warrant, or transaction in connection with said Commissioner's office. Said auditors shall perform their duties as herein prescribed and make a report of their findings to the judge of the Superior Court of said county, within thirty days from the time of their appointment, and said findings shall be published in the newspaper that is the official organ of said county. The grand jury appointing said auditors shall prescribe the amount to be paid them for their services.

Section 16. That it shall be the duty of the grand jury to inquire into the official acts of said Commissioner, and if any grand jury of said Appling County shall find by a two-thirds vote, that the Commissioner has violated any of the terms of this Act, or that he has been wasteful or inefficient or that he has wrongfully or fraudulently conducted the affairs of his office, or that he is otherwise unqualified to manage the affairs of the office, the grand jury so finding shall declare said office vacant and the clerk of the Superior Court shall proceed to call a special election to fill such vacancy as hereinbefore prescribed. Said deposed Commissioner shall have a right, however, to be a candidate, and if he shall receive a majority of votes polled in said election he shall again take up the duties of said office. If he does not receive the majority, however, of the votes so polled, the candidate so receiving the majority of votes shall at once qualify and take up the duties of said office. All rules and regulations governing regular county elections shall govern all regular and special elections under this Act.

Section 17. That the said Commissioner, acting in conjunction with the Clerk of the Court and Ordinary, shall have the power to employ a county attorney, and shall have authority to pay such county attorney for his services, not exceeding Three Hundred (\$300.00) Dollars per annum, to be paid out of the county treasury, provided, however, that the said Commissioner, acting in conjunction with the Clerk of Court and Ordinary, shall also be authorized to employ legal counsel in any case where necessary and pay for such services a reasonable amount as the nature of the case or service may warrant, which said sums to be paid out of the county treasury.

Section 18. That the ordinary of the county of Appling shall be paid for his

services acting in conjunction with the said Commissioner, the sum of Three Hundred (\$300.00) Dollars per annum, said sum to be paid out of the county treasury.

Section 19. That said Commissioner, acting in conjunction with the Clerk and Ordinary, shall constitute a purchasing board for said county, but the said Commissioner, however, shall have the right and power to purchase such provisions and repairs to be used in connection with his work as are necessary for immediate use, but the bills for same, as well as all other county bills, shall be submitted to the Clerk and Ordinary when meeting with said Commissioner in regular semi-monthly sessions, as provided in this Act.

Section 20. That said Commissioner, by this Act, is empowered with authority to plan, lay out, superintend and construct all public roads and bridges, but the same shall be done in conformity with Section 10 of this Act.

Section 21. That the term of office of said Commissioner shall be for a period for four years, and until his successor is elected and qualified.

Section 22. That this Act shall become effective and operative on the first day of January, 1941.

Section 23. That the Act of the General Assembly of Georgia approved July 29, 1915 (Georgia Laws 1915, pages 141-147) entitled "An Act to create a Board of Commissioners of Roads and Revenues for the County of Appling, State of Georgia, prescribe their powers and duties, to fix their compensation, and for other purposes," and all Acts amendatory thereof, are hereby repealed from and after January 1, 1941.

Section 24. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Millican of the 52nd District—

Senate Bill No. 58. A bill to be entitled an Act to amend an Act providing for Homestead Exemption from certain taxation; and for other purposes.

The following House amendments to Senate Bill No. 58, were read and adopted:

Messrs. Kendrick and Etheridge and Mrs. Mankin of Fulton move to amend Senate Bill No. 58 by striking after the word "inserted" and before the word "so" in the fourth paragraph the following "at the time application is made prior to April 1st each year" and substituting the following "on January first of the taxable" so that said Section will read when amended as follows:

"Section 7. As used in this Act homestead means real property owned by the applicant on January 1st of the taxable year and who is in possession thereof

and upon which said applicant resides and the land immediately surrounding said residence and to which he or she has a right to said possession under bona fide claim of ownership.

Messrs. Kendrick and Etheridge and Mrs. Mankin of Fulton move to amend Senate Bill No. 58 by striking all of Section "I" and substituting the following:

"(i) Where the property is owned and occupied jointly by two or more persons all of whom occupy the property as a home and if otherwise entitled to a homestead such homestead may be claimed in the names of such joint owners residing in said home."

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 103, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

The following report of the Committee on Rules was read and adopted:

Mr. Speaker:

The Committee on Rules having had under consideration the matter of fixing a calendar for the day makes the following report. In addition to the calendar now being considered we recommend the following as the order of business:

1. Senate Bill No. 104. Trade Names.
2. Senate Bill No. 105. Exempt Farm Products.
3. Senate Bill No. 160. Penal Board.
4. Senate Bill No. 224. W. and A. Rentals.
5. Senate Bill No. 57. State Surveys.
6. Senate Bill No. 180. Fishing Bill.
7. Senate Bill No. 43. Speed Limits.
8. Senate Bill No. 42. Marriage Bill.
9. Senate Bill No. 46. Seizure Automobiles.
10. Senate Bill No. 15. Election Bill.
11. Senate Bill No. 48. Ratifying 1st Ten Amendments.
12. Senate Bill No. 53. School Bus Liability.
13. Senate Bill No. 55. Grand Jury.
14. Senate Bill No. 67. Fireman's Liability.
15. Senate Bill No. 72. Trust Property.

16. Senate Bill No. 71.
17. Senate Bill No. 76.
18. Senate Bill No. 88. Court of Appeals.
19. Senate Bill No. 159. State Employees.
20. Senate Bill No. 135. Resident Definitions.
21. Senate Bill No. 97. Annual Sessions.
22. Senate Bill No. 100.
23. Senate Bill No. 115. Traffic Laws.
24. Senate Bill No. 139. Osteopaths.
25. Senate Bill No. 161. Local Constitutional Amendments.
26. Senate Bill No. 183. Medical Boards.
27. Senate Bill No. 211. Municipal Assessments.
28. Senate Bill No. 208. Department of Health.
29. Senate Bill No. 190. Oyster Bill.
30. Senate Bill No. 179. Fish Bill.
31. Senate Bill No. 210.
32. Senate Bill No. 7.
33. Senate Bill No. 222. Tax Returns, Etc.
34. Senate Bill No. 24. Executors.
35. Senate Resolution No. 34. Reciprocal Agreement.
36. Senate Bill No. 77. Real Estate Boards.
37. Senate Bill No. 230. Relief Bill.
38. Senate Bill No. 217. Fair Bill.

The Speaker is authorized to call up general bills with local applications and local Constitutional Amendments in his discretion and to call the bills on the calendar in the order he wishes.

Respectfully submitted,

Gross of Stephens, Vice-Chairman.

The following resolution of the Senate was read and adopted:

By Senator Williams of the 31st District—

Senate Resolution No. 52. A resolution naming the bridge over the Chatta-

hoochee River between Habersham and White Counties, "The Sidney Lanier Bridge"; and for other purposes.

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Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 34. A bill to be entitled an Act to amend an Act entitled "Housing Authority Law" to re-define "governing body" and area of population; and for other purposes.

The following House amendment to Senate Bill No. 34, was read and adopted:

Mr. Claxton of Johnson moves to amend Senate Bill 34 as follows:

1. By amending the caption thereof by changing the period at the end of the caption to a semicolon, and by adding the following language:

"and to provide that when condemnation proceedings are instituted and carried on by Housing Authorities under said Act of 1937, upon the payment by such Authority seeking condemnation of the amount of the award and the final judgment on appeal, that such Authority shall become vested with a fee simple indefeasible title to the property with reference to which the condemnation proceeding is instituted."

2. to amend Senate Bill 34 by adding at the end thereof a new section to be known as Section 7, which shall read as follows:

"Be it further enacted by the Authority aforesaid that whenever a Housing Authority is or has been created under the terms of said Act of 1937, previously referred to; and whenever it is determined by the Commissioners or other governing body of such authority to be necessary or advisable to exercise the power of eminent domain by condemning property; and whenever such condemnation proceedings are instituted and carried on under Title 36, Chapter 36-1 through Chapter 36-6 of the Code of Georgia of 1933, or under Title 36- Chapter 36-11 of said Code, or under any amendments thereof, or through any other method of condemnation provided by law, that upon the payment of such Authority seeking condemnation of the amount of the award and final judgment on appeal such Authority shall become vested with a fee simple indefeasible title to the property to which such condemnation proceedings relate. It is hereby declared to be necessary to enable such Authorities to exercise their franchise, that upon such condemnation proceedings being had, that such Housing Authorities shall become vested with fee simple indefeasible title to the property involved in such proceedings."

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed, as amended.

Mr. Blease of Brooks arose to a point of personal privilege and addressed the House.

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The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bills and resolutions of the House, to-wit:

By Messrs. Allison of Gwinnett and Gowen of Flynn and others—

House Bill No. 213. A bill to amend the Act of the General Assembly of the Extraordinary Session of 1937-38 relating to licenses for motor vehicles; and for other purposes.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 219. A bill to amend Section 32-9906 of the Code of 1933, known as the Compulsory School attendance Law; and for other purposes.

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 358. A bill to amend an Act establishing a new charter for the City of Atlanta approved February 28, 1874, and the several Acts amendatory thereof; and for other purposes.

By Mr. Barrett of Cherokee—

House Bill No. 750. A bill to reincorporate the Town of Woodstock; and for other purposes.

By Mr. Key of Jasper—

House Bill No. 124. A bill to fix taxable situs of intangible trust property, and for other purposes.

By Messrs. Rogers, Lanham and Davis of Floyd—

House Bill No. 764. A bill to amend the charter of the City of Rome; and for other purposes.

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 653. A bill to amend the charter of East Point; and for other purposes.

By Messrs. Goddard and Purdy of Spalding—

House Resolution No. 55-241 A. A resolution to request Librarian to furnish certain volumes to Superior Court Clerk of Spalding County; and for other purposes.

By Mr. Forrester of Dade—

House Resolution No. 60-259 A. A resolution directing the State Librarian to furnish certain books to Dade County; and for other purposes.

By Messrs. Lanham, Davis and Rogers of Floyd—

~~House Resolution~~ No. 186-807. A resolution authorizing the State Librarian to furnish certain books for use of Superior Court of Floyd County; and for other purposes.

By Messrs. Simmons and Mills of Decatur—

House Resolution No. 142-533 B. A resolution authorizing the State Librarian to furnish certain Court Reports to Decatur County; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 128-480 A. A resolution to provide certain volumes of the Supreme Court and Court of Appeals to Gwinnett County; and for other purposes.

By Mr. Clark of Catoosa—

House Resolution No. 171-740 A. A resolution authorizing the State Librarian to furnish certain law books to Catoosa County; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following resolution of the House, to-wit:

By Messrs. Bloodworth, Merritt and Grice of Bibb—

House Resolution 93-361 C. A resolution to furnish certain Supreme Court reports and Court of Appeals reports to City Court of Macon.

Under the special and continuing order of business established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 32. A bill to be entitled an Act to provide that bonds or other obligations issued by public housing authorities or other agencies of the United States, when secured by pledge, shall be security for all public deposits and legal investments of public officers; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 109, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senator Millican of the 52nd District—

Senate Bill No. 66. A bill to be entitled an Act authorizing the General Assembly to enact laws creating a pension fund for county employees of Fulton and Richmond Counties, and for other purposes.

The following House Substitute to Senate Bill No. 66, was read and adopted:

#### A BILL

To be entitled an Act to amend Paragraph 2, of Section 6, of Article 7, of the Constitution of the State of Georgia authorizing the General Assembly to enact laws to create a retirement and pension fund and system of retirement pay for county employees of Fulton County; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same:

#### Section 1.

That the Constitution of the State of Georgia is hereby amended as follows, to-wit: By adding to Paragraph 2, of Section 6, of Article 7, thereof the following words, to-wit:

“The General Assembly shall have authority, however, to enact laws authorizing the County of Fulton and the governing authorities of the schools of said county, to create a retirement and pension fund and a system of retirement pay for county employees, and for county school employees, and to levy taxes for that purpose; and to authorize the said county and the said county school authorities to enact laws, rules and regulations for the qualifications of such employees for benefits from such fund.”

#### Section 2.

Be it further enacted by the authority aforesaid, That whenever the above proposed amendment to the Constitution shall have been agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly, and the same has been entered on their Journals, with the yeas and nays taken thereon, the Governor shall be and he is hereby authorized and instructed to cause such amendment to be published in one or more newspapers in each Congressional District of this State, for two months next preceding the time of holding the next general election.

#### Section 3.

Be it further enacted by the authority aforesaid, That the above proposed amendment shall be submitted for ratification or rejection to the electors of this State at the next general election to be held after the publication as provided for in the second section of this Act, in the several election districts of this State at which election every person shall be qualified to vote who is qualified to vote for members of the General Assembly. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, “For ratification of amendment to Paragraph 2, of Section 6, of Article 7, of the Constitution authorizing the Legislature to enact laws

authorizing the County of Fulton and the school authorities of said county to create a retirement and pension fund and system of retirement pay for county and county school employees of said county;" and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words, "Against ratification of amendment to Paragraph 2, of Section 6, of Article 7, of the Constitution authorizing the Legislature to enact laws authorizing the County of Fulton and the school authorities of said county to create a retirement and pension fund and system of retirement pay for county and county school employees of said county." If the people ratify such amendment by a majority of the electors qualified to vote for members of the General Assembly voting thereon such amendment shall become a part of the Constitution of this State. The returns of the election shall be made in like manner as returns for members of the General Assembly, and it shall be the duty of the Secretary of State to ascertain the result and to certify the result to the Governor, who shall, if such amendment be ratified make proclamation thereof.

#### Section 4.

Be it further enacted by the authority aforesaid, that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, by substitute.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Candler	Dockery
Allen	Carmichael of Butts	Drake
Allison of Gwinnett	Carrington	Drinkard
Allison of White	Carter	Edwards of Lowndes
Almand	Chappell	Edwards of Taylor
Ansley	Clark	Elliott
Atkinson	Clary	Ennis, J. H.
Barlow	Claxton	Ennis, Marion
Barrett	Clements of Calhoun	Etheridge of Baker
Beck	Clements of Wheeler	Etheridge of Fulton
Bell	Cobb	Etheridge of Houston
Bennett of Clarke	Connell	Evans of McDuffie
Blackshear	Cook	Ferguson of Camden
Blease	Corbett	Ferguson of Sumter
Bloodworth	Culpepper of Fayette	Flanders
Boyd of Cook	Culpepper of Mitchell	Ford
Boyd of Greene	Curry	Forrester of Crisp
Branch	Dallis	Forrester of Dade
Brooks of Jackson	Davidson	Foster
Bruce	Davis of Coweta	Fowler of Douglas
Bynum	Davis of Floyd	Fowler of Treutlen
Campbell	Dickerson	Franklin of Bulloch

Franklin of Polk	Key	Sabados
Gaines	Lanham	Sams
Gavin	Lanier	Sanders
Gill	Lewis	Sapp
Goddard	Looper	Sartain
Goolsby	Lovett	Scott
Gowen	Mankin	Smith of Schley
Graham	Marshall	Stiles
Grayson	Mason	Strickland of Pierce
Greene	Maxwell	Summerour
Grice	McCracken	Sumner
Griffin	McDaniel	Tate
Gross of Stephens	McGraw	Terrell
Gross of Washington	McNall	Thigpen of Evans
Guyton	Middleton	Thigpen of Glascock
Harden	Mills	Thornton
Harrison of Crawford	Moore of Lumpkin	Tippins
Harrison of Jenkins	Moore of Taliaferro	Tipton
Harvey	Morgan	Trippe
Henderson	Mosely	Vickery
Herndon	Pannell	Wages
Holtzendorff	Parham	Warren
Howard	Pharr	Wells
Jackson	Pierce	Whipple
Joel	Purdy	Whitaker
Jones of Paulding	Ragan	Wiggins
Jones of Richmond	Reid	Williams of Ware
Kaigler	Rogers	Yeomans
Kelley	Rossee	
Kennedy	Rountree	

Those not voting were Messrs.:

Bennett of Ware	Easley	McBride
Binion	English	Merritt
Bray	Evans of Laurens	Miller
Brooks of Oglethorpe	Grant	Moss
Bush	Hardman	Parker
Carmichael of Cobb	Hatchett	Pilcher
Cheney	Hayes	Preston
Clements of Marion	Hill	Rawlins
Conner	Hinson	Rees
Coogler	Johnson	Roughton
Daughtry	Jones of Brantley	Saunders
Dean	Kendrick	Simmons
DeFoor	Kimbrough	Smiley
Douglass	King	

Smith of Henry	Tomlinson	Wohlwender
Strickland of Haralson	Turner	Wright
Swindle	Williams of Bacon	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, by substitute, the ayes were 154, the nays 0.

The bill having received the requisite two-thirds constitutional majority, was passed, by substitute.

By Senator Millican of the 52d District—

Senate Bill No. 150.

### A BILL

To be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the City of Atlanta to issue revenue certificates for the purpose of making repairs and improvements in its water works system and sanitary department; to provide for the payment of certificates out of the revenues derived from water or sanitary service charges; to authorize the setting aside in special funds a sufficient sum to retire the revenue certificates; to provide the manner, form and method of issuing certificates; certificates to be issued by a majority vote of the Mayor and General Council and validated; to provide for the allocation of anticipated receipts; to provide that certificates shall not be a debt or liability upon the City of Atlanta and shall be payable from and chargeable only upon the revenue derived from water or sanitary services respectively; to provide for the submission of the amendment for ratification by the people; and for other purposes.

Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, as follows:

### SECTION 1.

That Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, which has heretofore been amended, shall be further amended by adding at the end thereof a new paragraph in the following words, to-wit:

“And, except that the City of Atlanta for the purpose of (a) improving, repairing, constructing and reconstructing, making additions, extensions, alterations, or improvements, in its Water Works System, and acquiring the necessary property therefor; and (b) improving, repairing, purchasing, installing and constructing incinerators or crematories for the disposal of garbage, refuse and waste by its Sanitary Department, and acquiring the necessary property therefor, either or both, may, from time to time issue interest bearing revenue certificates to be paid solely out of the revenues derived from Water or Sanitary service charges respectively, and to provide for the payment of said revenue certificates by setting aside in special funds to be known as “Water Works Department Revenue Fund” and “Sanitary Department Revenue Fund,” a sufficient sum, not to exceed ten (10%) per centum

of the annual charges, fees and taxes received from the water and sanitary service charges respectively, to retire the certificates. Said percentages shall be based upon the total annual receipts from each of said services for the year previous to the issue. Said certificates may be issued in one or more series, bearing such date or dates, maturing at such time or times not exceeding twenty (20) years from their respective rates; with interest at such rate or rates, not exceeding five (5%) per centum per annum, payable at such time or times, and in such medium of payment at such place or places, and in such denomination or denominations and form, either coupon or registered, and may carry such registration, conversion and exchangeability privileges, and may be subject to such terms of redemption with or without premium, and to become due before the maturity date thereof, and be executed in such manner and contain such terms, covenants, assignments and conditions as the resolution authorizing the issuance of such certificates may provide. Said certificates shall not be sold for less than par value. Said certificates shall be negotiable for all purposes and shall be non-taxable for any and all purposes. They shall be issued when authorized by a majority vote of the Mayor and General Council, and signed by the Mayor and Comptroller of the City of Atlanta, and validated pursuant to the existing laws for validation of bonds and when so validated thereunder shall be forever incontestable and conclusive. Before issuing any such revenue certificates the Mayor and General Council shall provide by resolution for the allocation of a percentage of the anticipated receipts necessary to pay said certificates as they mature from the particular service from which the certificates are to be paid for the year in which they mature, and as said funds are received they shall be deposited in said special funds, without deduction, for the benefit of any other department or fund of the City of Atlanta and used solely for payment of the principal and interest of said certificates. Said revenue certificates shall not be payable from or charged upon any funds other than the revenue pledged to the payment thereof, nor shall the City of Atlanta be subject to any pecuniary liability thereon, nor shall any such certificates constitute a charge, lien or incumbrance upon any of its property. The obligation created by said certificates shall not be construed as a debt within the restriction as to debt limit of this paragraph."

## SECTION 2.

Be it further enacted by the authority aforesaid, that when said amendment shall be agreed to by two-thirds vote of the members of each House, with the "Ayes" and "Nays" thereon, and published in one or more newspapers in each Congressional District in this State for two months previous to the time for holding the next general election, at which proposed amendments to the Constitution of this State may be voted on, and shall at said next general election be submitted to the people for ratification. All persons voting at said election in favor of adopting the said proposed amendment to the Constitution shall have written or printed on their ballots the words, "For ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Atlanta to issue revenue certificates from time to time for the benefit of its water works system and sanitary department, and providing for the payment of said certificates out of a percentage of revenues derived from water or sanitary charges respectively," and all persons

opposed to the adopting of said amendment shall have written or printed on their ballots the words, "Against ratification of amendment of Article 7, Section 7, Paragraph 1, of the Constitution, authorizing the City of Atlanta to issue revenue certificates from time to time for the benefit of its water works system and sanitary department, and providing for the payment of said certificates out of a percentage of revenues derived from water or sanitary charges respectively," and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification thereof, when the results shall be consolidated as now required by law in election for members of the General Assembly, the said amendments shall become a part of Article 7, Section 7, Paragraph 1, of the Constitution of the State, and the Governor shall make a proclamation therefor, as provided by law.

## SECTION 3.

All laws and parts of laws in conflict herewith are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Carmichael of Cobb	Etheridge of Houston
Allen	Carrington	Ferguson of Camden
Allison of White	Carter	Ferguson of Sumter
Almand	Clark	Flanders
Ansley	Clary	Ford
Atkinson	Claxton	Forrester of Crisp
Barlow	Clements of Calhoun	Forrester of Dade
Barrett	Connell	Fowler of Treutlen
Bell	Cook	Franklin of Bulloch
Bennett of Clarke	Corbett	Franklin of Polk
Bennett of Ware	Culpepper of Mitchell	Gaines
Blackshear	Dallis	Gavin
Blease	Davidson	Gill
Boyd of Cook	Davis of Coweta	Goddard
Boyd of Greene	Davis of Floyd	Goolsby
Branch	Dickerson	Gowen
Bray	Dockery	Graham
Brooks of Jackson	Drake	Grant
Brooks of Oglethorpe	Drinkard	Grice
Bruce	Easley	Griffin
Bynum	Ennis, J. H.	Gross of Stephens
Campbell	Ennis, Marion	Gross of Washington
Candler	Etheridge of Baker	Guyton
Carmichael of Butts	Etheridge of Fulton	Harden

Harrison of Crawford	Marshall	Sartain
Harrison of Jenkins	Mason	Scott
Harvey <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Maxwell	Smiley
Henderson	McBride	Smith of Schley
Herndon	McCracken	Stiles
Hinson	McDaniel	Strickland of Haralson
Holtzendorff	McGraw	Strickland of Pierce
Howard	Mills	Summerour
Jackson	Moore of Taliaferro	Sumner
Joel	Morgan	Swindle
Jones of Brantley	Pannell	Tate
Jones of Paulding	Parham	Terrell
Jones of Richmond	Pharr	Thigpen of Evans
Kaigler	Purdy	Thigpen of Glascock
Kelley	Ragan	Thornton
Kendrick	Reid	Tippins
Kennedy	Rogers	Tipton
Key	Rossee	Warren
King	Roughton	Wells
Lanier	Rountree	Whipple
Lewis	Sabados	Whitaker
Looper	Sams	Wiggins
Lovett	Sanders	Williams of Ware
Mankin	Sapp	Yeomans

Those not voting were Messrs.:

Allison of Gwinnett	English	Parker
Beck	Evans of Laurens	Pierce
Binion	Evans of McDuffie	Pilcher
Bloodworth	Foster	Preston
Bush	Fowler of Douglas	Rawlins
Chappell	Grayson	Rees
Cheney	Greene	Saunders
Clements of Marion	Hardman	Simmons
Clements of Wheeler	Hatchett	Smith of Henry
Cobb	Hayes	Tomlinson
Conner	Hill	Trippe
Coogler	Johnson	Turner
Culpepper of Fayette	Kimbrough	Vickery
Curry	Lanham	Wages
Daughtry	McNall	Williams of Bacon
Dean	Merritt	Wohlwender
DeFoor	Middleton	Wright
Douglass	Miller	Yawn
Edwards of Lowndes	Moore of Lumpkin	
Edwards of Taylor	Mosely	
Elliott	Moss	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, the ayes were 144, the nays 0.

The bill having received the requisite two-thirds constitutional majority was passed.

By Senators Brown of the 4th, Dawson of the 2nd, and Warnell of the 1st Districts—

Senate Bill No. 136.

#### A BILL TO BE ENTITLED

“An Act to propose to the qualified voters of the State of Georgia an Amendment to the Constitution of the State of Georgia, authorizing the continuance of “The Coastal Highway District” composed of Chatham, Bryan, Liberty, McIntosh, Glynn and Camden Counties, as a political subdivision, body politic and corporate, for the purpose of aiding in the widening and reconstruction of the Atlantic Coastal Highway through said counties; to provide that said Coastal Highway District may issue bonds, and provide for a method of retiring said bonds and the payment of interest thereon; and for other purposes.”

Section 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by authority of the same, that the Constitution of the State of Georgia be amended by adding the following sub-paragraph to follow Paragraph 1 of Article 7, Section 7, the same to be known as Paragraph 1-d, to-wit:

“The Coastal Highway District is hereby continued as a political subdivision, body politic and corporate of this State for the purpose of aiding in the reconstruction as a four lane highway the Atlantic Coastal Highway (State Route No. 25) extending from the Savannah River to the Florida line, with the right to sue and be sued, to have a seal, make contracts and do all things necessary or proper to carry out the purpose of this Amendment. The said district shall continue to be composed of the territory of the Counties of Chatham, Bryan, Liberty, McIntosh, Glynn and Camden.

The said Coastal Highway District shall have authority to issue additional bonds not exceeding \$4,500,000.00 for the purposes aforesaid; the bonded indebtedness of said district shall be incurred and the expenditures of funds derived therefrom as well as all other matters and transactions necessary to carry out the purposes of the Constitutional Amendment, shall be managed, controlled and directed by ten commissioners to be selected four from Chatham, two from Glynn and one each from Bryan, Liberty, McIntosh and Camden Counties. The said Commissioners shall be selected and vacancies filled by the officers in charge of levying taxes in said counties respectively, and shall hold office for a period of five years and until their successors are selected and qualified.

The bonds shall be set up in two increments, the first increment in an amount not to exceed \$500,000.00 shall be issued as required, by the Coastal Highway District for rights of way, removal of structures, administrative, and miscellaneous

purposes. These bonds, when issued, shall be signed and sealed by said Commissioners and shall constitute a lien upon the entire property of all the counties composing said district, and a first lien to the extent of the annual retirements and interest payments thereon upon any sum payable annually thereafter by the State of Georgia to the said Counties respectively from amounts collected from gasoline and oil taxes until all said bonds of said district are retired. Both interest and principal shall be paid by the Coastal Highway District. The principal shall be retired on a pro rata basis by the Coastal Highway District in annual payments over not to exceed 20 years from date of issuance of the first bonds. At or before the issuance of said bonds, the Commissioners of said district shall assess the Counties composing said District an amount sufficient to pay interest charges and retirement of principal, as they become due.

The second increment in an amount not to exceed \$4,000,000.00 shall be issued as required for the purpose of aiding in the widening and reconstruction of the said Coastal Highway. The bonds, when issued shall be signed and sealed by said Commissioners and shall constitute a lien upon the entire property of all the Counties composing said district and a first lien to the extent of the annual retirements upon any sum payable annually thereafter by the State of Georgia to the State Highway Board from amounts collected from gasoline and oil taxes and other sources, until all bonds of said district are retired.

The principal not to exceed \$4,000,000.00 shall be retired in annual payments by the State Highway Board from its revenues from any and all sources at the maximum rate of \$333,333.00 per year, or such lesser amount as is represented by the pro rata of the State's expenditures after deducting Federal Allotments, on the basis of retirements of the bonds covering the said State's expenditures in a period of 12 years.

At or before the issuance of said second increment of bonds the Commissioners of said District shall assess the counties composing said district an amount sufficient to pay the interest charges as they become due. The assessment against each county shall be a lien upon the entire property of all the counties composing said district and a first lien to the extent of the annual retirements and interest payments thereon upon any sum payable annually thereafter by the State of Georgia to the said Counties respectively from amounts collected from gasoline and oil taxes until all bonds of said district are retired.

Section 2. The bonded indebtedness here provided for shall be incurred only after submission to the qualified voters of said district at an election to be called by the said District Commissioners and held in the same manner as elections for the incurring of a bonded indebtedness by counties, municipalities and divisions. In determining the result of the election the vote of the entire district shall be consolidated and counted as a unit, and each county shall pay the expense of the election in that county. The vote shall be consolidated and the result of the election declared by the Coastal Highway District Commissioners herein provided for. The Superior Court of any County in said district shall have jurisdiction to validate the said bonds, in conformity with the law providing for the validation of county, municipi-

pality and division bonds; and the certification by the clerk of the Superior Court taking jurisdiction of such validation alone shall be sufficient certification. The proceedings for the validation may be instituted by the Solicitor General of any Judicial Court within which any of said counties lies, but the proceedings shall be served upon the authorities managing the fiscal affairs of each of said counties and they shall make answer thereto. Such indebtedness when incurred shall not be considered in determining the power of any of the counties composing said district, or any county or municipal corporation or political subdivision of said State, to incur any other bonded indebtedness.

Section 4. Be it further enacted by the authority aforesaid, that when said Amendment shall be agreed to by two-thirds vote of the members elected to each House, it shall be entered upon the Journal of each House with the "ayes" and "nays" thereon and published in one or more newspapers in each congressional district of this State for two months previous to the time for holding the next general election, and shall at the next general election be submitted to the people for ratification. All persons voting at such election in favor of adopting the said proposed Amendment to the Constitution shall have written or printed on their ballots the words: "For ratification to Article Seven (7), Section Seven (7), Paragraph One (1), of the Constitution, authorizing the continuance of the Coastal Highway District as a body corporate and politic, composed of the Counties of Chatham, Bryan, Liberty, McIntosh, Glynn and Camden and to authorize the issuance of bonds by said district for paving and other incidental purposes," and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words: "Against ratification to amendment to Article Seven (7), Section Seven (7), Paragraph One (1), of the Constitution authorizing the continuance of the Coastal Highway District as a body corporate and politic, composed of the counties of Chatham, Bryan, Liberty, McIntosh, Glynn and Camden and to authorize the issuance of bonds by said district for paving and other incidental purposes"; and if a majority of the electors qualified to vote for members of the General Assembly voting thereon, shall vote for the ratification thereof when the results shall be consolidated as now required by law in elections for members of the General Assembly, then said amendment shall become a part of Article Seven (7), Section Seven (7), and known as Paragraph 1-d of the Constitution of this State, and the Governor shall make a proclamation thereof as provided by law.

Mr. Carmichael of Cobb moved the previous question, the motion prevailed, and the main question ordered.

The following House amendment to Senate Bill No. 136, was read and adopted:

Messrs. Gowen of Glynn, Atkinson, Grayson and McNall of Chatham, Gill of Bryan, Smiley of Liberty, Ferguson of Camden and DeFoor of McIntosh, move to amend Senate Bill No. 136 as follows:

First, by striking from the seventh line of Section 2 the words, "a total majority of the votes of the entire District must be favorable to bonds," and inserting in lieu thereof the following words: "Two-thirds of the voters voting in said election, in

the entire District must be favorable to bonds, and provided further that said two-thirds so voting favorably shall be a majority of the registered voters of all the counties of the District who are qualified to vote in said election."

Second, by striking from the eighth and ninth lines of said Section 2 the words, "a majority of the votes cast in Chatham County must be favorable to bonds" and inserting in lieu thereof the following words: "Two-thirds of the voters voting in said election in Chatham County must be favorable to bonds, which said two-thirds so voting, must be a majority of the registered voters of Chatham County who are qualified to vote in said election."

Third, so that said Section 2, when so amended, shall read as follows:

"The bonded indebtedness here provided for shall be incurred only after submission to the qualified voters of said District at an election to be called by the said District Commissioners and held in the same manner as elections for the incurring of a bonded indebtedness by counties, municipalities and divisions. In determining the result of the election the vote of the entire District shall be consolidated and counted as a unit, and each county shall pay the expense of the election in that county; provided however, that two-thirds of the voters in said election, in the entire District, must be favorable to bonds and provided further that said two-thirds so voting favorably shall be a majority of the registered voters of all the counties of the District who are qualified to vote in said election, and also two-thirds of the voters voting in said election in Chatham County must be favorable to bonds, which said two-thirds so voting, must be a majority of the registered voters of Chatham County who are qualified to vote in said election, otherwise the bonds shall not be issued. The vote shall be consolidated and the result of the election declared by the Coastal Highway District Commissioners herein provided for. The Superior Court of any County in said District shall have jurisdiction to validate the said bonds, in conformity with the law providing for the validation of county, municipality and division bonds; and the certification by the clerk of the Superior Court taking jurisdiction of such validation alone shall be sufficient certification. The proceedings for the validation may be instituted by the Solicitor General of any Judicial Court within which any of said counties lies, but the proceedings shall be served upon the authorities managing the fiscal affairs of each of said counties and they shall make answer thereto. Such indebtedness when incurred shall not be considered in determining the power of any of the counties composing said district, or any county or municipal corporation or political subdivision of said State, to incur any other bonded indebtedness."

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

The bill involving an amendment to the Constitution of the State of Georgia, the roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Allison of Gwinnett	Almand
Allen	Allison of White	Ansley

Atkinson	Ferguson of Sumter	Maxwell
Barrett	Flanders	McBride
Beck <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Ford	McCracken
Bell	Forrester of Crisp	McDaniel
Bennett of Clarke	Forrester of Dade	McGraw
Bennett of Ware	Fowler of Douglas	McNall
Blackshear	Fowler of Treutlen	Middleton
Bloodworth	Franklin of Bulloch	Miller
Boyd of Greene	Franklin of Polk	Mills
Branch	Gaines	Moore of Lumpkin
Bray	Gill	Moore of Taliaferro
Brooks of Oglethorpe	Goddard	Morgan
Campbell	Goolsby	Pannell
Candler	Gowen	Parker
Carmichael of Butts	Graham	Pharr
Carmichael of Cobb	Grant	Pierce
Carrington	Grayson	Pilcher
Carter	Greene	Purdy
Chappell	Grice	Ragan
Clark	Griffin	Rees
Clary	Gross of Stephens	Reid
Claxton	Gross of Washington	Rogers
Clements of Calhoun	Harrison of Crawford	Rossee
Clements of Wheeler	Harrison of Jenkins	Roughton
Conner	Harvey	Rountree
Cook	Henderson	Sabados
Corbett	Herndon	Sams
Culpepper of Mitchell	Hinson	Sanders
Curry	Holtzendorff	Sapp
Dallis	Howard	Sartain
Davidson	Jackson	Saunders
Davis of Coweta	Joel	Scott
Davis of Floyd	Jones of Paulding	Smiley
Dean	Jones of Richmond	Stiles
DeFoor	Kelley	Strickland of Pierce
Dickerson	Kendrick	Sumner
Dockery	Kennedy	Swindle
Douglass	Key	Tate
Easley	Lanham	Terrell
Edwards of Lowndes	Lanier	Thornton
Ennis, J. H.	Lewis	Tipton
Ennis, Marion	Looper	Tomlinson
Etheridge of Baker	Lovett	Trippe
Etheridge of Fulton	Mankin	Turner
Etheridge of Houston	Marshall	Vickery
Ferguson of Camden	Mason	Warren

Wells	Wiggins	Yeomans
Whipple	Williams of Ware	
Whitaker	Wright	

Those voting in the negative were Messrs.:

Brooks of Jackson	Drinkard	Jones of Brantley
Bynum	Edwards of Taylor	Thigpen of Glascock
Culpepper of Fayette	Evans of McDuffie	Wohlwender
Drake	Foster	

Those not voting were Messrs.:

Barlow	Evans of Laurens	Moss
Binion	Gavin	Parham
Blease	Guyton	Preston
Boyd of Cook	Harden	Rawlins
Bruce	Hardman	Simmons
Bush	Hatchett	Smith of Henry
Cheney	Hayes	Smith of Schley
Clements of Marion	Hill	Strickland of Haralson
Cobb	Johnson	Summerour
Connell	Kaigler	Thigpen of Evans
Coogler	Kimbrough	Tippins
Daughtry	King	Wages
Elliott	Merritt	Williams of Bacon
English	Mosely	Yawn

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 151, the nays 11.

The bill having received the requisite two-thirds constitutional majority was passed, as amended.

By unanimous consent, the bill was ordered immediately transmitted to the Senate.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House, to-wit:

By Mr. Bennett of Ware—

House Bill No. 33. A bill to amend the Code so as to provide that recitals in a deed under sale of municipal taxes shall be prima facie evidence of the facts therein recited; and for other purposes.

By Mr. Thigpen of Glascock—

House Bill No. 171. A bill to require Judges of all trial courts to grant a supersedas to all persons convicted or adjudged to be in contempt of court; and for other purposes.

By Messrs. Edwards and Connell of Lowndes—

House Bill No. 135. A bill to provide for limitation of time in which parties may intervene in any case in equity where assets are being administered; and for other purposes.

By Messrs. Sams, Candler and Turner of DeKalb—

House Bill No. 121. A bill to amend existing laws in regard to the provision for year's support for widows and minor children; and for other purposes.

By Messrs. Lanham and Davis of Floyd—

House Bill No. 89. A bill to amend the Code of 1933 relating to the making of reports by county superintendents; and for other purposes.

By Mr. Evans of McDuffie—

House Bill No. 23. A bill to repeal an Act approved February 16, 1938; to prescribe penalties for all felonies under the laws of this State; and for other purposes.

By Mr. Jones of Brantley—

House Bill No. 86. A bill creating the office of County Treasurer of Brantley County; and for other purposes.

By Messrs. Allison of Gwinnett, Bynum of Rabun, and others—

House Bill No. 258. A bill to define title insurance and provide comprehensive method for the licensing and regulating of the business of title insurance; and for other purposes.

By Messrs. Lewis and Wells of Burke—

House Bill No. 276. A bill to prohibit dealers in junk from trespassing to solicit the purchase of junk without the written permission of the owner of the land; and for other purposes.

By Mr. Fowler of Treutlen—

House Bill No. 277. A bill to amend the Code so as to authorize several counties to levy a tax each year for the conservation of natural resources; and for other purposes.

By Mr. Hinson of Jeff Davis—

House Bill No. 334. A bill to amend an Act by changing the time of holding Superior Court in Jeff Davis County; and for other purposes.

By Mr. Pilcher of Warren—

House Bill No. 364. A bill to amend the Code by changing the weight limit motor vehicles may transport agricultural and/or dairy products; and for other purposes. [www.libtool.com.cn](http://www.libtool.com.cn)

By Mr. Herndon of Hart—

House Bill No. 386. A bill to amend the Highway Mileage Act by adding a road in Hart County; and for other purposes.

By Messrs. Harris of Richmond, Gross of Stephens, and others—

House Bill No. 469. A bill to authorize the State Highway Board in conjunction with adjoining states to purchase bridges; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House, to-wit:

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 473. A bill to provide that in Fulton County various county officials may name a chief deputy who would succeed him in office should a vacancy occur; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 507. A bill to permit counties of a certain population to pass zoning and planning laws upon consent of fifty-one per cent of property owners; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the House, to-wit:

By Messrs. McGraw and Hatchett of Meriwether—

House Bill No. 783. A bill providing for the holding of four terms of superior court of Meriwether County; and for other purposes.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 785. A bill amending an Act creating a new charter for the City of Doerun; and for other purposes.

By Mr. Rossee of Putnam—

House Bill No. 787. A bill to abolish the offices of tax receiver and tax collector of Putnam County; and for other purposes.

By Mr. Carmichael of Butts—

House Bill No. 789. A bill to amend an Act creating a new charter for the City of Jackson; and for other purposes.

By Mr. Moore of Lumpkin—

House Bill No. 796. A bill amending the Act reincorporating the City of Dahlonega; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 800. A bill to repeal an Act creating the office of Tax Collector of Coffee County; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 801. A bill to repeal an Act creating the office of Tax Commissioner of Coffee County; and for other purposes.

By Messrs. J. H. and Marion Ennis of Baldwin—

House Bill No. 802. A bill to amend an Act establishing a new charter of the City of Milledgeville; and for other purposes.

By Mr. Sapp of Coffee—

House Bill No. 805. A bill to repeal an Act creating the office of Tax Receiver of Coffee County; and for other purposes.

By Messrs. Lanham, Davis and Rogers of Floyd—

House Bill No. 807. A bill to amend an Act creating a new charter for the City of Rome; and for other purposes.

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 808. A bill to amend an Act so as to provide that the City Council of Augusta may delegate the city planning commission; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the House, to-wit:

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 766. A bill providing for a retirement fund for teachers and employees in county school systems in certain counties; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 767. A bill providing for Civil Service for teachers and other employees of certain counties; and for other purposes.

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By Messrs. Sabados and Allen of Dougherty—

House Bill No. 774. A bill to provide that any city in the State having a certain population, the governing authorities may take over the operation and maintenance of any hospital now in existence in said city; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the House, to-wit:

By Mr. Griffin of Wilkes—

House Bill No. 576. A bill amending an Act regulating the trapping of predatory fur-bearing animals in certain counties; and for other purposes.

By Mr. Wohlwender of Muscogee—

House Bill No. 647. A bill amending Section 30-107 of the Code of 1933 to provide certain privileges in divorce actions to residents of any Army Post or Military Reservation within the State; and for other purposes.

By Messrs. Barlow and Parker of Colquitt—

House Bill No. 651. A bill to prohibit goats from running at large in certain counties; and for other purposes.

By Messrs. Candler, Sams and Turner of DeKalb—

House Bill No. 674. A bill granting authority to certain County Commissioners of Roads and Revenues to adopt and enforce zoning ordinances in territories outside of municipal areas; and for other purposes.

By Mr. Foster of Towns—

House Bill No. 704. A bill requiring the Tax Collector of Towns County to issue tax receipts in numerical order; and for other purposes.

By Mr. Jones of Brantley—

House Bill No. 712. A bill amending an Act abolishing the offices of Tax Receiver and Tax Collector of Brantley County and creating the office of Tax Commissioner; and for other purposes.

By Mr. Evans of McDuffie—

House Bill No. 728. A bill providing the manner in which justices of the peace and notaries public ex-officio justices of the peace shall be compensated in criminal cases in certain counties; and for other purposes.

By Mr. Stiles of Fannin and Mr. Sartain of Walker—

House Bill No. 729. A bill to provide for the taxation of corporations engaged in the generation, etc., of electric power by the State and political sub-divisions; and for other purposes.

By Mr. Branch of Tift—

House Bill No. 623. A bill proposing an amendment to Article 7, Section 7, Paragraph 1, of the Constitution to authorize an increase in the bonded indebtedness of Tift County; and for other purposes.

By Messrs. Stiles of Fannin and Sartain of Walker—

House Bill No. 730. A bill to provide for ad valorem taxation of corporation properties owned or possessed in this State as distinguished from government activities; and for other purposes.

By Messrs. Allison and Pharr of Gwinnett—

House Bill No. 733. A bill amending an Act incorporating the Town of Snellville in Gwinnett County; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolution of the House, to-wit:

By Messrs. Hatchett and McGraw of Meriwether—

House Resolution No. 177-779 A. A resolution proposing to the voters an amendment to the Constitution so as to authorize the City of Greenville to incur a bonded indebtedness; and for other purposes.

By Messrs. Beck and Reid of Carroll—

House Bill No. 474. A bill proposing an amendment to the Constitution so as to authorize the Town of Bowdon to refund an additional bonded indebtedness; and for other purposes.

By Mr. Kennedy of Tattnall—

House Bill No. 720. A bill proposing an amendment to the Constitution so as to authorize the Reidsville School District to incur an additional bonded indebtedness; and for other purposes.

By Mr. Bell of Grady—

House Bill No. 404. A bill proposing an amendment to the Constitution so as to authorize Grady County by vote of fiscal authority to issue certain bonds; and for other purposes.

By Mr. Swindle of Berrien—

~~House Bill No. 727.~~ A bill proposing an amendment to the Constitution so as to authorize the City of Ray City to incur an additional bonded indebtedness; and for other purposes.

By Mr. Swindle of Berrien—

House Bill No. 309. A bill proposing an amendment to the Constitution so as to authorize the City of Nashville to incur a bonded indebtedness to refund and pay off outstanding bonds; and for other purposes.

Under the special and continuing order of business established by the Committee on Rules, the following bill of the House was taken up for consideration and read the third time:

By Senators Brown of the 4th, Dawson of the 2nd and Warnell of the 1st Districts—

Senate Bill No. 138. A bill to be entitled an Act to prescribe the rights, duties and responsibilities in connection with the continuance of the Coastal Highway District; and for other purposes.

The following amendment to Senate Bill No. 138, was read and adopted:

Messrs. Gowen of Glynn, Atkinson, Grayson and McNall of Chatham, Ferguson of Camden, Grice of Bryan, Smiley of Liberty and DeFoor of McIntosh, move to amend Senate Bill No. 138, as follows:

First, by adding after the words "of each County" in the eighth line of Section 2, the following sentence:

"County Commissioners of the Counties of the District, shall be eligible to election as District Highway Commissioners of their respective Counties."

Second, by striking from the sixth, seventh and eighth lines of Section 6 the words "that a total majority of the votes of the entire District must be favorable to bonds and also a majority of the votes cast in Chatham County must be favorable to bonds," and inserting in lieu thereof the following:

"That two-thirds of those voting in the entire District must be favorable to bonds which said two-thirds so voting favorably must be a majority of those qualified to vote in said election, and also two-thirds of those voting in Chatham County must be favorable to bonds, which said two-thirds so voting favorably must be a majority of those qualified to vote in said election in Chatham County."

The report of the Committee, which was favorable to the passage of the bill, was agreed to, as amended.

On the passage of the bill, as amended, the ayes were 107, the nays 1.

The bill having received the requisite constitutional majority was passed, as amended.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

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Mr. Speaker:

The Senate has agreed to the House amendments to the following bills of the Senate, to-wit:

By Senators Cail of the 17th, Daves of the 14th, Dorminy of the 45th and Holt of the 3rd Districts—

Senate Bill No. 29. A bill to prohibit the State Board of Medical Examiners and Pharmacy Examiners from issuing license to practice medicine or pharmacy who was not born or naturalized in the United States; and for other purposes.

By Senator Warnell of the 1st District—

Senate Bill No. 177. A bill proposing an amendment to the Constitution to authorize the City of Savannah to incur additional bonded indebtedness; and for other purposes.

Under the special and continuing order of business established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senator Palmour of the 33rd District—

Senate Bill No. 5. A bill to be entitled an Act to repeal Section 95-2111 of the Code of 1933, and to amend Section 95-2112 in regard to the bonded indebtedness; and for other purposes.

Mr. Blackshear of Hall, a member of the sub-committee appointed to study Senate Bill No. 5, reported back to the House, with the recommendation that same do pass, by substitute.

The following sub-committee substitute to Senate Bill No. 5, was read and adopted:

#### A BILL

To be entitled an Act to authorize a discount of highway refunding certificates issued to the various counties of this State pursuant to the Constitution thereof, to prescribe the purpose for which the proceeds thereof may be used; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. That any county in this State holding highway refunding certificates issued to it pursuant to Article 7, Section 8, Paragraph 1, of the Constitution of Georgia, as amended, and the Act of the General Assembly of Georgia of 1933, relating thereto, as amended, may sell or discount any such certificates as authorized by said Act of the General Assembly of 1933, as amended, at a rate of discount not exceeding four per cent per annum, and apply the proceeds of

the sale or discount of such certificates to the payment of any lawful indebtedness of the county outstanding on the first day of March, 1939.

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Section 2. Section One of this Act shall be fully operative notwithstanding any provision of said Act of 1933, as amended, limiting the purposes for which the proceeds of the sale of any such certificates may be used.

Section 3. Any county commissioner or other official of any county who shall violate any provision of this Act or apply any portion of the proceeds of the sale or discount of any such certificates to any purpose not authorized by this Act or otherwise by law, shall be guilty of a misdemeanor, and punished accordingly and upon conviction thereof, be removed from office by order of the Judge of the Superior Court of such county.

Section 4. All laws and parts of laws in conflict with this Act are hereby repealed.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, by substitute.

On the passage of the bill, by substitute, Mr. Blackshear of Hall moved the ayes and nays, and the call was sustained.

The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Cheney	Etheridge of Baker
Allison of Gwinnett	Clark	Etheridge of Fulton
Allison of White	Clary	Etheridge of Houston
Ansley	Claxton	Evans of McDuffie
Barlow	Clements of Calhoun	Ferguson of Sumter
Barrett	Clements of Marion	Flanders
Bell	Cobb	Ford
Bennett of Ware	Conner	Forrester of Crisp
Blackshear	Cook	Forrester of Dade
Bloodworth	Corbett	Foster
Boyd of Cook	Dallis	Fowler of Douglas
Branch	Davidson	Fowler of Treutlen
Bray	Dean	Franklin of Bulloch
Brooks of Jackson	DeFoor	Franklin of Polk
Brooks of Oglethorpe	Dickerson	Gaines
Bruce	Dockery	Gill
Campbell	Douglass	Goddard
Candler	Drinkard	Goolsby
Carmichael of Butts	Easley	Gowen
Carmichael of Cobb	Edwards of Lowndes	Graham
Carrington	Edwards of Taylor	Grant
Carter	Ennis, J. H.	Grayson
Chappell	Ennis, Marion	Greene

Grice	Mason	Saunders
Griffin	McBride	Scott
Gross of Stephens	McCracken	Smiley
Gross of Washington	McGraw	Smith of Henry
Guyton	Middleton	Smith of Schley
Harrison of Crawford	Miller	Stiles
Harrison of Jenkins	Mills	Strickland of Haralson
Harvey	Moore of Lumpkin	Strickland of Pierce
Henderson	Moore of Taliaferro	Sumner
Herndon	Morgan	Swindle
Hinson	Pannell	Tate
Holtzendorff	Parham	Terrell
Howard	Parker	Thigpen of Glascock
Jackson	Pharr	Tippins
Joel	Pierce	Tipton
Jones of Paulding	Pilcher	Trippe
Jones of Richmond	Purdy	Turner
Kaigler	Ragan	Vickery
Kelley	Rees	Warren
Kendrick	Reid	Whipple
Kennedy	Rogers	Whitaker
Key	Rossee	Wiggins
King	Roughton	Williams of Bacon
Lanham	Sabados	Williams of Ware
Lanier	Sams	Wohlwender
Looper	Sanders	Yeomans
Lovett	Sapp	
Mankin	Sartain	

Those voting in the negative were Messrs.:

Bynum	Lewis	McDaniel
Davis of Coweta		

Those not voting were Messrs.:

Allen	Culpepper of Fayette	Hardman
Almand	Culpepper of Mitchell	Hatchett
Atkinson	Curry	Hayes
Beck	Daughtry	Hill
Bennett of Clarke	Davis of Floyd	Johnson
Binion	Drake	Jones of Brantley
Blease	Elliott	Kimbrough
Boyd of Greene	English	Marshall
Bush	Evans of Laurens	Maxwell
Clements of Wheeler	Ferguson of Camden	McNall
Connell	Gavin	Merritt
Coogler	Harden	Mosely

Moss	Summerour	Wells
Preston	Thigpen of Evans	Wright
Rawlins	Thornton	Yawn
Rountree	Tomlinson	
Simmons	Wages	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, by substitute, the ayes were 151, the nays 4.

The bill having received the requisite constitutional majority was passed, by substitute.

By Senator Sanders of the 36th District—

Senate Bill No. 86. A bill to be entitled an Act to change the names of George Malcolm Smith and Herbert Watson Smith; and for other purposes.

Mr. Wohlwender of Muscogee moved that the bill be tabled.

On the motion to table, the ayes were 29, the nays 81, and the motion was lost.

Mr. Morgan of Troup moved the previous question, the motion prevailed, and the main question ordered.

On the passage of the bill, Mr. Gross of Washington moved the ayes and nays, and the call was not sustained.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, Mr. Wohlwender of Muscogee moved the ayes and nays, and the call was not sustained.

By unanimous consent, the House reconsidered its action in agreeing to the report of the Committee.

By unanimous consent, the bill was referred to a sub-committee to be appointed by the Speaker to study the bill, and report back to the House.

As a sub-committee, the Speaker appointed the following members of the House, to-wit:

Messrs. Parker of Colquitt,  
 Culpepper of Fayette,  
 Sabados of Dougherty, and  
 Pierce of Terrell.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has disagreed to the House amendment to the following bill of the Senate, to-wit:

By Senator Millican of the 52nd District—

Senate Bill No. 172. A bill to aid the Western and Atlantic Railroad by the creation of a commission authorized to contract for the construction, use and maintenance; and for other purposes.

The Senate has agreed to the House amendments to the following bills of the Senate, to-wit:

By Senators Durden of the 10th, Harrell of the 7th and Spivey of the 16th Districts—

Senate Bill No. 34. A bill to amend an Act entitled "Housing Authority Law"; and for other purposes.

By Senator Millican of the 52nd District—

Senate Bill No. 58. A bill to amend an Act entitled an Act to provide for homesteads exempt from certain taxation; and for other purposes.

Mr. Clements of Wheeler moved that the House insist on its position on the House amendment to the following bill of the Senate, and requested the appointment of a Committee of Conference.

By Senator Millican of the 52nd District—

Senate Bill No. 172. A bill to be entitled an Act to aid the Western and Atlantic Railroad by creating a Commission to contract for and maintain income producing buildings; and for other purposes.

The Speaker appointed as a Committee of Conference on the part of the House to confer with a like Committee on the part of the Senate on Senate Bill No. 172, the following members of the House, to-wit:

Messrs. Candler of DeKalb,  
Clements of Wheeler, and  
Carmichael of Cobb.

The following bills of the House were taken up for the purpose of considering the Senate amendments thereto:

By Messrs. Etheridge and Kendrick, and Mrs. Mankin of Fulton—

House Bill No. 358. A bill to be entitled an Act to amend an Act establishing a new charter for the City of Atlanta, approved February 28, 1874; and for other purposes,

The following Senate amendment to House Bill No. 358, was read and agreed to:

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The Senate moves to amend House Bill No. 358 as follows:

By striking Paragraph 5, Sub-Paragraph (J) in its entirety (Section 4).

By adding after the words "Civil Service" in Section 5, Paragraph 1, Sub-Paragraph (J) the words "or Tenure"

By adding a new sub-paragraph known as (L) to Section 5, Paragraph 1, and reading as follows: "Superintendents and Assistant Superintendents under the Board of Education, and other persons elected by said Board for definite terms; librarians employed through the Board of Education; clerks in schools and nurses, maids and employees in cafeterias in schools. Promotion or election by Board of Education from a position in which tenure is provided by law to another position under the Board in which tenure is not so provided shall not destroy the tenure status of such person. Librarians and clerks in schools shall serve during good behavior and efficient service under such rules and regulations as may be established by the Board."

By adding a new sub-paragraph known as (M) to Section 5, Paragraph 1, and reading as follows: "(M) Officers and employees of the Carnegie Library and its branches."

By adding a new sub-paragraph known as (N) to Section 5, Paragraph 1, and reading as follows: "(N) Recreational Director in the Department of Parks."

By adding a new sub-paragraph known as (P) to Section 5, Paragraph 1, and reading as follows: "(P) Employees of the City of Atlanta making a salary of less than seventy dollars (\$70.00) per month."

By adding at the end of Section 18 the following: "Anything herein to the contrary notwithstanding, where an appointing authority has adopted or hereafter adopts a rule for compulsory retirement of all of its employees upon their reaching an age provided by such appointing authority, the provisions of this Act shall be subject to any such rule of such appointing authority."

By Messrs. Rogers, Lanham and Davis of Floyd—

House Bill No. 764. A bill to be entitled an Act to amend the Charter of the City of Rome; and for other purposes.

The following Senate amendment to House Bill No. 764, was read and agreed to:

The Senate moves to amend House Bill No. 764, as follows:

By inserting immediately before the repealing clause a new section to be known as Section 5, in words and figures as follows, to-wit:

"Section 5. That the Act approved December 21, 1937, amending the Charter

of the City of Rome be and the same is hereby amended by adding at the end of Section 3 of said Act the following provision, to-wit: 'Provided, however, a person shall not be rendered ineligible to be a member of said Board, although he may hold an office of profit or trust under the City, County or State, if the duties of such office are not said person's regular employment and is his principal source of income, and provided further no member of the City Commission of said City shall be eligible to be a member of said Board.'

Senator Brinson further moves to amend House Bill No. 764 by properly re-numbering the repealing clause and by amending the caption of said Act to conform to the amendments proposed.

Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Groover of the 37th District—

Senate Bill No. 181. A bill to be entitled an Act to amend an Act approved February 28, 1937, which amended Section 53-208 of the Code of 1933; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 105, the nays 1.

The bill having received the requisite constitutional majority was passed.

The following bills and resolutions of the House were taken up for the purpose of considering the Senate amendments thereto:

By Messrs. Bloodworth, Merritt and Grice of Bibb—

House Resolution No. 93-361 C. A resolution directing the State Librarian to furnish certain Supreme Court Reports and Court of Appeals Reports to the City of Macon; and for other purposes.

The following Senate amendment to House Resolution 93-361 c was read and agreed to:

The Senate moves to amend House Resolution 93-361 c by striking the words, "and directed" in the second paragraph of said resolution so as to make said resolution permissive instead of mandatory.

By Mr. Forrester of Dade—

House Resolution No. 60-259 A. A resolution authorizing and directing the State Librarian to furnish certain books to Dade County; and for other purposes.

The following Senate amendment to House Resolution No. 60-259 a was read and agreed to:

The Senate moves to amend House Resolution No. 60-259 a by striking the words, "and directed", and the words, "and supply" in the third paragraph of said resolution so as to make said resolution permissive instead of mandatory.

By Mr. Barrett of Cherokee—

House Bill No. 750. A bill to be entitled an Act to re-incorporate the Town of Woodstock; and for other purposes.

The following Senate amendment to House Bill No. 750, was read and agreed to:

The Senate moves to amend Section 37 by adding at the end of said section the following:

"Provided, however, that the provisions of this Section shall not apply to property assessed for ad valorem taxation by the State Revenue Commissioner under the provisions of Section 92-5903 of Georgia Code of 1933 and Act No. 296, Extra Session of 1937-1938."

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 653. A bill to be entitled an Act to amend the charter of East Point; and for other purposes.

The following Senate amendment to House Bill No. 653, was read and agreed to:

The Senate moves to amend House Bill No. 653 as follows:

Amend Section 27 by adding at the end of said Section the following: "Provided, however, that the provisions of this Section shall not apply to property assessed for ad valorem taxation by the State Revenue Commissioner under the provisions of Section 92-5903 of Georgia Code of 1933 and Act No. 296, Extra Session of Georgia General Assembly 1937-1938."

Amend Section 31 by striking said Section and inserting in lieu thereof the following: "Said City shall have authority to regulate the use of its streets for business purposes, including the right to impose a reasonable license tax on persons using its streets for business purposes."

Amend Section 52 by striking the same in its entirety and inserting in lieu the following: "For water furnished, and for all sewerage and sanitary service rendered, said City shall have a lien prior and superior to all other liens, claims or demands except taxes, against the premises served, whether the owner of such premises be the customer or not, from the date the water is contracted for, or such services commences, up to and until all charges therefor shall have been paid in full."

Amend Section 22 by striking all of said Section after the word "lot" on Line 4 and inserting after the word "lot" on Line 4 the following: "and the sanitary tax in no case shall be less than three dollars."

By Messrs. Lanham, Davis and Rogers of Floyd—

House Resolution No. 186-807 A. A resolution authorizing the State Librarian to furnish certain missing court reports for the use of the Judge of Superior Court in Floyd County; and for other purposes.

The following amendment to House Resolution No. 186-807a, was read and agreed to:

The Senate moves to amend House Resolution No. 186-807 a, by striking the words, "and directed" in Paragraph 4, Line 3, of said resolution so as to make said resolution permissive instead of mandatory.

Mr. Wohlwender of Muscogee moved that the House recess for one hour, and the motion prevailed.

2:00 o'clock, P. M.

The Speaker called the House to order.

Mr. Edwards of Lowndes arose to a point of personal privilege, and addressed the House.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute as amended by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Hill of Screven and Lovett of Laurens—

House Bill No. 446. A bill to create a special fund for the sole purpose of paying salaries of the teachers of the common schools; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bills of the House, to-wit:

By Messrs. Etheridge, Kendrick, and Mrs. Mankin of Fulton and Messrs. Candler, Turner and Sams of DeKalb—

House Bill No. 607 A bill proposing to the voters an amendment to the Constitution so as to authorize the Boards of Education of Fulton and DeKalb Counties to make temporary loans; and for other purposes.

By Mr. Whitaker of Appling—

House Bill No. 822. A bill to amend an Act creating and establishing a new charter for the City of Baxley by creating a City Authority; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

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Mr. Speaker:

The Senate has passed by substitute by the requisite constitutional majority the following bill of the House, to-wit:

By Mrs. Mankin and Messrs. Etheridge and Kendrick of Fulton—

House Bill No. 811. A bill to amend the Charter of the City of Atlanta; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate, to-wit:

By Senator Millican of the 52nd District—

Senate Bill No. 66. A bill to amend the Constitution authorizing the General Assembly to enact laws to create a pension fund for Fulton and Richmond Counties; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the House, to-wit:

By Messrs. Bynum of Rabun, Carmichael of Cobb, and others—

House Bill No. 693. A bill to bestow the name of Bleckley upon the mountain in Rabun County now known as Screamer Mountain; and for other purposes.

By Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton—

House Bill No. 694. A bill to amend Article 7, Section 7, Paragraph 1, of the Constitution to require the Fulton County Board of Education to assume certain bonded indebtedness; and for other purposes.

By Mr. Allison of Gwinnett—

House Bill No. 759. A bill appropriating certain sums of money to the State Veterinarian for making payment to cattle owners for cattle reacting to tests for Bang's Disease; and for other purposes.

By Mr. Harrison of Jenkins—

House Bill No. 820. A bill creating a new charter for the City of Millen; and for other purposes.

By Messrs. Jones of Paulding, Trippe and Franklin of Polk and Fowler of Douglas—

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House Bill No. 823. A bill abolishing the fee system, as applied to the office of Solicitor General, in the Superior Courts of Tallapoosa Circuit; and for other purposes.

By Mrs. Mankin of Fulton—

House Resolution No. 132-497 A. A resolution authorizing the Governor to sell a certain tract of land in the City of Atlanta for the development of a Farmers' Market.

By Mr. Almand of Walton—

House Resolution No. 124-467 A. A resolution designating State Highway Route 10 from Athens, Georgia, via Monroe and Stone Mountain to Atlanta as "The Stone Mountain Memorial Highway."

By Messrs. Conner of Dooly, Reid and Beck of Carroll—

House Resolution No. 203. A resolution urging the members of Congress to pass a resolution to pay the family of S. F. Sewell, deceased, adequate and reasonable compensation for his untimely death.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 747. A bill amending an Act creating the City Court of Colquitt County; and for other purposes.

Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate were taken up for consideration and read the third time:

By Senator Boykin of the 29th District—

Senate Bill No. 186. A bill to be entitled an Act repealing a section of the Code of 1933 relating to the appointment of members of the Prison and Parole Commission; and for other purposes.

The following Committee Substitute to Senate Bill No. 186, was read:

#### A BILL

To be entitled an Act to amend an Act approved February 3, 1938, Georgia Laws 1937-1938, Extraordinary Session, Page 200 et sequentia; to provide for the election of the members of the State Prison and Parole Commission of the State of Georgia; to provide that the Governor of the State of Georgia shall have the power to fix the expiration date for term of each of the present members of said Commission; to fix their terms of office; to provide for an interim appointment of said members by the Governor; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME:

Section 1. That Section 2 of the Acts of 1937-38, Extraordinary Session, Georgia Laws 1937-38, Page 200 et sequentia, be and the same is hereby amended by striking from said Act Section 2 in its entirety and substituting in lieu thereof the following:

"The State Prison and Parole Commission shall be composed of three members who shall be elected by the qualified voters of the State of Georgia and whose terms of office shall be for a period of six years. One of said members shall be elected at the general election held in 1940, and one at the general election to be held in 1942, and one in the general election to be held in 1944. The term of office for each member thus elected shall be for six years, commencing on the first day of January following such election. A successor to each member of the Commission shall be elected in the general election next before the term of office expires. The present members of the Prison and Parole Commission shall serve until their successors are elected as herein provided. The Governor shall fix the expiration date for the term of each of the present members of said Commission, so that the term of one of said members shall expire December 31, 1940, and one on December 31, 1942, and one December 31, 1944. The Governor, by and with the consent of the Senate, shall name one member of said Commission as Chairman, whose term as such Chairman shall run concurrently with his membership on said Commission. The said Chairman shall be the executive director of said Commission and shall exercise the administrative powers of the Commission when the same is not in session, and direct generally the administration of laws, rules and regulations of the Prison and Parole Commission.

Section 2. All vacancies from any cause on said Commission shall be filled by appointment by the Governor, subject to the approval of the Senate.

Section 3. This Act shall become effective immediately upon the approval by the Governor.

Section 4. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Mr. Gross of Stephens moved the previous question, the motion prevailed, and the main question ordered.

The Committee Substitute to Senate Bill No. 186, was adopted.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, by substitute.

On the passage of the bill, by substitute, the ayes were 103, the nays 14.

The bill having received the requisite constitutional majority was passed, by substitute.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate insists on its position in disagreeing to the House amendment to the following bill of the Senate, to-wit, and asks for a committee of conference:

By Senator Millican of the 52nd District—

Senate Bill No. 172. A bill to aid the Western and Atlantic Railroad by the creation of a commission authorized to contract in the name and behalf of the State of Georgia for the construction and maintenance of income producing buildings; and for other purposes.

The President has named as a Committee of Conference on the part of the Senate:

Senators Millican of the 52nd,  
Abbot of the 18th, and  
Cloud of the 19th Districts.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed, as amended, by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. Campbell of Newton and Gill of Bryan—

House Bill No. 649. A bill to regulate political primary elections for the nomination of candidates for the State Senate; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the House, to-wit:

By Messrs. Harris, Lanier and Jones of Richmond—

House Bill No. 742. A bill to amend Article 7, Section 7, Paragraph 1, of the Constitution so as to authorize the City Council of Augusta to make temporary loans; and for other purposes.

By Mr. Graham of Brooks—

House Bill No. 638. A bill to prohibit goats from running at large in certain counties; and for other purposes.

By Messrs. Loper of Dawson, Warren of Forsyth and Barrett of Cherokee—

House Bill No. 677. A bill to amend the Traylor-Neill Act authorizing the Highway Board to add to the State Aid System a certain road in Dawson, Forsyth and Cherokee Counties; and for other purposes.

By Messrs. Beck and Reid of Carroll—

House Bill No. 274. A bill proposing an amendment to Article 7, Section 7, Paragraph 1, of the Constitution authorizing the City of Carrollton to incur additional bonded indebtedness; and for other purposes.

By Mr. Swindle of Berrien—

House Bill No. 414. A bill giving private bankers the right to charge exchange on checks drawn on them under certain conditions; and for other purposes.

By Mr. Kennedy of Tattnall—

House Bill No. 322. A bill authorizing the Governor to sell certain lands of Tattnall Prison Farm to County Board of Education of Tattnall County; and for other purposes.

By Mr. Dean of Rockdale—

House Bill No. 478. A bill providing for distribution of funds received from State Highway contracts with counties; and for other purposes.

By Messrs. Marion and J. H. Ennis of Baldwin, Lanham and Davis of Floyd—

House Bill No. 760. A bill to appropriate \$483,991.08 to the State Department of Public Welfare for certain uses; and for other purposes.

By Messrs. Harris of Richmond and Parker of Colquitt—

House Bill No. 591. A bill continuing the present rate of taxation on beer; and for other purposes.

By Mr. Allen of Dougherty—

House Bill No. 810. A bill to amend Section 22 of the General Tax Act, No. 360, which provides that no person shall be exempt from any tax imposed who has more than one employee to assist in conducting such business; and for other purposes.

By Mr. Holtzendorff of Ben Hill—

House Resolution No. 165-647 A. A resolution proposing to the qualified voters amendment to Article 7, Section 6, Paragraph 1, of the Constitution so as to authorize the City of Fitzgerald to levy a tax of one mill to promote new industries; and for other purposes.

Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Manning of the 39th District—

Senate Bill No. 43. A bill to be entitled an Act to define and prohibit reckless driving to restrict the speed limit; and for other purposes.

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The following substitute to Senate Bill No. 43, was read:

By Mr. Jones of Richmond—

### A BILL

To be entitled an Act to define reckless driving, and to prohibit the same; to restrict the speed on the public streets and highways of this State; to provide for the erection of stop signs; to provide for the dimming of lights of motor vehicles; to provide that vehicles using the public roads and highways be equipped with reflectors to serve as a warning signal to drivers of approaching vehicles and to provide how the minimum requirements of reflectors shall be determined; to require the filing of reports of accidents by operators or occupants of motor vehicles involved in accidents on public streets and highways; to require reports by the coroners in the several Counties of the State concerning deaths resulting from accidents on public streets and highways; to provide for the enforcement, penalties and punishment for the violation of this Act; to repeal all laws and parts of laws in conflict with this Act; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA  
AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME:

#### SECTION 1. Reckless Driving:

(a) Any person who drives any motor vehicle upon a street or highway in this State in such a manner as to be in willful or wanton disregard of the safety of persons or property is guilty of the criminal offense of reckless driving.

(b) Every person convicted of reckless driving shall be punished as follows: Upon first convicted, by imprisonment for not less than five (5) days nor more than 60 days, or by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or by both such imprisonment and fine; and upon a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

#### SECTION 2. Restrictions as to Speed:

(a) No person shall operate a motor vehicle upon any public street or highway at a speed that is greater than is reasonable and safe, having due regard to the conditions then existing, including the width, grade, character, traffic, and common use of such street or highway, or so as to endanger life or limbs, or property in any respect whatsoever.

(b) Subject to the foregoing limitations operators of motor vehicles upon the public streets and highways of this State are authorized to operate them up to but not exceeding the speed limits provided in the following classified tabulation:

Total gross combined weight of motor vehicle and load in pounds <a href="http://www.libtool.com.cn">www.libtool.com.cn</a>	Speed in miles per hour		
	Kind of Tires		
	Metallic	Solid	Pneumatic
Less than 10,000 .....	10	25	55
10,000 to 16,000 .....	8	20	40
Over 16,000 .....	5	18	35

Provided, however, that all passenger motor vehicles operated on the public streets and highways of this State and having pneumatic tires are authorized to operate at a speed up to but not exceeding 55 miles per hour.

Provided, further, that the maximum speed limit for buses used in transporting school children, and when actually transporting one or more school children, shall not be operated in excess of 40 miles per hour, and provided further that all school buses must be inspected when required, or requested, by the Director of Public Safety or any member of the Georgia State Patrol, in order to ascertain its mechanical and physical condition as to brakes, lights and any other feature which in the opinion of the Director of Georgia Department of Safety may deem essential, for the safety of its driver, passengers, and general public.

(c) Whenever the Department of Public Safety shall determine, upon a basis of an engineering or traffic survey, that any speed herein above authorized is greater than is safe under the conditions found to exist on any segment of a public street or highway, said Department shall fix, determine and declare special speed restrictions thereat and therefor, and may put same into effect by erecting proper highway signs, giving notice of said restrictions at such place or places.

(d) The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls or when in immediate pursuit of an actual or suspected violator of the laws of this State, provided, however, that all such emergency vehicles shall observe the limitations hereinabove imposed at all times other than those specified in this paragraph, and this provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the public streets and highways, nor shall it protect the driver of any emergency vehicle from the consequences of reckless disregard of the safety of others.

**SECTION 3. Stop Signs:**

(a) The Department of Public Safety is authorized to fix rules in respect to right-of-way at intersections of said highways or public roads outside of municipalities and to promulgate other reasonable safety rules in respect thereto, and to give notice of same by proper signs erected at or near said intersections. Said signs to be erected and maintained by Highway Department Maintenance Department.

(b) Every driver of a motor vehicle and every motor man of a street car shall stop at such stop signs as shall be erected or made by the Department of Public Safety at the approach of such intersections, except when directed to proceed by a police officer or traffic control signal.

## SECTION 4. Dimming Lights:

(a) Every motor vehicle operated on the public streets or highways of this State shall be equipped with two front head lights located near the side extremities of the front, capable of revealing a person, vehicle or object at least five hundred feet (500 ft.) ahead in the darkness, and so arranged that at no time will the beam from said lights create a blinding glare or interfere with the vision of the driver of any vehicle approaching within five hundred feet (500 ft.) of said vehicle; and any auxiliary headlights in front must be extinguished when within five hundred feet (500 ft.) of any vehicle ahead or any congested traffic area; provided, further, that every such motor vehicle shall be equipped also with a rear light, red in color, and visible for at least two hundred feet (200 ft.) in the darkness in the rear; and provided, further, that said lights, both front and rear, when said motor is being operated on a public street or highway must be lighted one half hour after sunset to one half hour before sunrise and at any other time when vision is restricted for any reason less than five hundred feet (500 ft.) along a public street or highway.

(b) Provided further that all trucks of more than 1½ ton capacity shall have clearance lights at each extremity in the front and clearance lights at each extremity in the rear. Where the cab of said truck is not as wide as the body said clearance must be placed at the widest extremity of the body, so as to clearly indicate the width of the truck to approaching traffic from either direction. Said lights not to be of any glaring or blinding nature.

## SECTION 5. Reflectors.

(a) All vehicles using the public roads and highways of the State of Georgia at night shall be equipped with front and rear reflectors, in addition to the lights required by Section 4 of this Act, to serve as a warning signal to drivers of approaching vehicles.

(b) The Department of Public Safety is hereby vested with the authority to determine and specify the type of reflectors to be placed on vehicles; to approve reflecting meeting the minimum requirements; and to make such other reasonable rules and regulations needed for the use of said reflectors.

(c) The fact that no reflectors, or reflectors failing to meet the minimum requirements and approval of the said Department of Public Safety according to the said rules and regulations of the Department, are on the vehicle, shall be considered prima facie evidence of negligence on the part of the owner of such a vehicle.

## SECTION 6. Filing of Accident Reports.

(a) The driver of a motor vehicle involved in an accident on a public street or highway resulting in injury to or death of any person or in a total property damage to an extent of Fifty Dollars (\$50.00) or more shall, within twenty-four (24) hours after such accident, forward a written report of such accident to the Department of Public Safety on a form prepared by said Department, provided, that said Department in its discretion may require the filing of a supplemental report

in any case where it shall deem the original report to be insufficient, and may require witnesses of such to render reports to said Department.

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(b) Whenever the driver of a motor vehicle involved in any accident referred to in the next preceding paragraph shall be incapable of making the required accident report and there is another occupant of the vehicle at the time of the accident capable of making such report such occupant shall make or cause to be made such accident report.

(c) The Department of Public Safety shall prepare and upon request supply to the police departments, sheriffs, coroners, and other suitable agencies or individuals, forms for use in making said accident reports, which reports shall call for sufficiently detailed information to disclose the nature of said traffic accident, its apparent cause, the conditions surrounding the accident, persons and vehicles involved.

(d) Every coroner of this State and every other official performing the functions of a coroner shall on or before the tenth (10th) day of each calendar month report in writing to the Department of Public Safety the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle on a public street or highway and the circumstances of such accident as are available.

(e) All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies having been present at such accident; provided, that no such report shall be used as evidence in any trial, civil or criminal, arising out of the accident, except that the Department shall furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that the specified accident report has or has not been received by the Department, solely to prove a compliance or failure to comply with the requirement that such report be made.

(f) The Department shall tabulate and analyze all such accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

(g) Investigation of an accident by police or other public officers shall not excuse persons from the duty of making the reports to the Department as herein required.

SECTION 7. Be it further enacted that should any section or paragraph or part of this Act be declared void for any reason by proper authority, the remaining parts and portions of the same shall continue to be in full force and effect.

SECTION 8. Be it further enacted by virtue of the authority aforesaid that the foregoing provisions as to speed shall supersede and stand in lieu of all other Georgia legislation in respect to speed of motor vehicles upon the public streets and

highways of this State and that all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

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Mr. Parker of Colquitt moved the previous question, the motion prevailed, and the main question ordered.

The following amendments to the Substitute to Senate Bill No. 43, were read and adopted:

Gross of Stephens—

Moves to amend substitute to Senate Bill No. 43 by adding a new paragraph to Section 2 to be known as paragraph "E" and to read as follows:

Paragraph "E" Provided however that nothing in this Act shall affect the rights of Municipalities to regulate speed of motor vehicles within their corporate limits, when said speed limit is equal to or less than the maximum speed provided for in this Act."

Gross of Stephens—

Moves to amend Substitute to Senate Bill No. 43 by adding immediately after the words "area" and before the words "Provided further" the words "and shall keep them extinguished until passing the approaching vehicle."

Franklin of Polk moves to amend Substitute for Senate Bill No. 43 by adding to Section 5, a sub-section appropriately lettered and to read as follows:

(d) The provisions of this Act shall become operative and effective 30 days after date of approval.

Carmichael of Cobb, Harris of Richmond and Scott of Thomas, move to amend the Substitute for Senate Bill No. 43 by adding thereto a new section to be appropriately numbered and read as follows:

"Be it further enacted by the General Assembly of the State of Georgia and it is hereby enacted by authority of same, that any person, firm or corporation who makes affidavit to the Chief Clerk of the Motor Vehicle Division of the State Revenue Department that their motor vehicle was not used except on their own farm, nor beyond the city limits of any incorporated town in the State during the year 1937, and that they have purchased all tags required by law since December 24, 1937, that upon the making of said affidavit that the Maintenance Tax Act approved March 30, 1937, known as the Maintenance Tax Act and repealed by an Act of the General Assembly approved December 24, 1937, as applied to the affiant, be and the same is hereby suspended."

Bell of Grady moves to amend House Substitute for Senate Bill No. 43 by adding a new Section to be appropriately numbered and inserted as follows, to-wit:

"Penalty for violation of this Act. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as for a misdemeanor, or as otherwise provided in this Act. It is the

duty of every arresting officer both county, municipal and State, to enforce the provisions of this Act.”

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The Substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the bill, was agreed to, by substitute, as amended.

On the passage of the bill, by substitute, as amended, the ayes were 125, the nays 11.

The bill having received the requisite constitutional majority was passed by substitute, as amended.

Messrs. Maxwell of Muscogee, Clary of Columbia and Sabados of Dougherty requested that the Journal show that they voted against the passage of the bill.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bills of the House, to-wit:

By Mr. Whipple of Bleckley and others—

House Bill No. 76. A bill amending the Constitution, so as to provide that judges of the Superior Courts may, in vacation, hear and determine any matter of issue where a jury verdict is not required, or may be waived; and for other purposes.

By Mr. Davis of Floyd—

House Bill No. 436. A bill amending the Code so as to change the qualifications of the county superintendents of schools in certain counties; and for other purposes.

By Messrs. Blackshear and Terrell of Hall—

House Bill No. 244. A bill providing for an appropriation from the State Treasurer for the purpose of purchasing law books for Hall County; and for other purposes.

The following message was received from the Senate through Mr. Hammoud, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House Substitute to the following bill of the Senate, to-wit:

By Senator Boykin of the 29th District—

Senate Bill No. 186. A bill to amend the Code providing for appointment of the members of the Prison and Parole Commission; and for other purposes.

Under the special and continuing order of business, established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Millican of the 52nd District—

Senate Bill No. 3. A bill to be entitled an Act to repeal an Act to regulate boxing, sparring and wrestling exhibitions in Georgia; and for other purposes.

Mr. Connell of Lowndes moved the previous question, the motion prevailed, and the main question ordered.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 111, the nays 12.

The bill having received the requisite constitutional majority was passed.

The following bills of the House were taken up for the purpose of considering the Senate amendments thereto:

By Messrs. Campbell of Newton and Gill of Bryan—

House Bill No. 649. A bill to be entitled an Act to regulate political primary elections for the nomination of candidates for the State Senate; and for other purposes.

The following Senate amendment to House Bill No. 649, was read and agreed to:

The Senate moves to amend House Bill No. 649 by adding at the end of Section 3, the following:

“Provided that notwithstanding any other provisions of this Act in every Senatorial district composed of counties having equal representation in the House of Representatives that no such county shall furnish the nominee for State Senator in said district at two successive elections unless the same is consented to by the Executive Committees of each of the other counties in said district.

By Messrs. Parker and Barlow of Colquitt—

House Bill No. 219. A bill to be entitled an Act to amend Section 32-9906 of the Civil Code of 1933, known as the Compulsory School Attendance Law; to provide an additional penalty for the violation of said Section and said Law; and for other purposes.

The following Senate amendment to House Bill No. 219, was read and agreed to:

The Senate moves to amend House Bill No. 219 by striking in line 4 of Section 1 the words “and thirty (30 days) on the Public Works of said State (Chain Gang) for each offense, any one or all of said penalties in the discretion of said court” and add the words “for each offense.”

By Messrs. Henderson of Irwin, Hill of Screven and Kennedy of Tattnall—

~~House Bill No. 446~~ A bill to be entitled an Act to reduce State Employees' salaries; and for other purposes.

The following Senate amendment to House Bill No. 446, was read and disagreed to:

#### A BILL

To be entitled an Act to require each Department, Division, Bureau or Agency of the State Government of Georgia to pay into a special fund of the State Treasury an amount each month, beginning April 1, 1939, equal to whatever salary reduction, elimination of employees, saving in expense accounts, or other reduction in expenditures, including reductions in telephone, telegraph, postage, water, lights, heating, or savings of any and every kind and nature which may be made by the said Department, Division, Bureau or Agency, or by the Budget Commission, in the budget of any Department, Division, Bureau or Agency; and to allocate and appropriate said special fund: One-third to paying the present operating deficit now existing against the Milledgeville State Hospital until same is paid; and two-thirds to the common school fund for the sole purpose of paying the salaries due the common school teachers of the State of Georgia; and, after the present operating deficit against the Milledgeville State Hospital is paid, the entire amount of said fund to be allocated and appropriated to the common school fund for the aforesaid purpose; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME:

Section 1. On and after April 1, 1939, each Department, Division, Bureau or Agency of the State Government of Georgia shall pay into a special fund of the State Treasury an amount each month, on the first day thereof, equal to whatever salary reduction, elimination of employees, saving in expense accounts, or other reduction in expenditures, including reductions in telephone, telegraph, postage, water, lights, heating or savings of any and every kind and nature, which may be made by the said Department, Division, Bureau or Agency or by the Budget Commission in the budget of any Department, Division, Bureau or Agency said saving to be paid from funds allocated and appropriated to such Department, Division, Bureau or Agency, respectively.

Section 2. Said special fund is hereby expressly allocated and appropriated one-third to paying the present operating deficit of the Milledgeville State Hospital, and two-thirds to the common school fund for the express purpose of paying the salaries due the common school teachers of the State of Georgia; and, after the present operating deficit of the Milledgeville State Hospital is paid, the whole amount of said fund is hereby expressly allocated and appropriated to the common school fund for the sole purpose of paying the salaries of the common school teachers of Georgia.

The provisions of this bill shall become inoperative on the first day of the next convening of the General Assembly.

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Section 3. All laws or parts of laws in conflict with this Act shall be, and the same are hereby repealed.

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 607. A bill to be entitled an Act to propose to the qualified voters of Georgia an amendment to Article 7, Section 7, Paragraph 1, of the Constitution of Georgia, so as to authorize the Board of Education to make temporary loans; and for other purposes.

The following Senate amendment to House Bill No. 607, was read and agreed to:

The Senate moves to amend House Bill No. 607 by adding "a comma" and the words "Floyd County" after the words "Fulton County" on line seven of Section 1.

Amend caption, line 3 by adding a comma and the words "Floyd County" after the words "Fulton County"

Amend Section 2, line 11, by adding a comma and the words "Floyd County" after the words "Fulton County" Further to amend line 15 by adding a comma and the words "Floyd County" after the words "Fulton County."

By Mr. Whitaker of Appling—

House Bill No. 822. A bill to be entitled an Act to amend an Act creating and establishing a new charter for the City of Baxley, by creating for said City of Baxley a City Authority; and for other purposes.

The following Senate amendment to House Bill No. 822, was read and agreed to:

The Senate moves to amend House Bill No. 822, by inserting in the caption after the word "March" the following "10," and further amends in Section 1 after the word "March" in the third line by inserting the following "10,"

By Mr. Clark of Catoosa—

House Resolution No. 171-740 A. A resolution authorizing the State Librarian to furnish certain law books to Catoosa County; and for other purposes.

The following Senate amendment to House Resolution No. 171-740 A was read and agreed to:

The Senate moves to amend House Resolution No. 171-740 A by striking the words "and directed" in the third line of paragraph three of said resolution, so as to make said resolution permissive instead of mandatory.

By Messrs. Allison and Pharr of Gwinnett—

House Resolution No. 128-480 A. A resolution to provide certain volumes of

the Supreme and Court of Appeals Reports to Gwinnett County; and for other purposes.

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The following Senate amendment to House Resolution No. 128-480 A, was read and agreed to:

The Senate moves to amend House Resolution No. 128-480 A as follows:

Whereas, in 1935 and 1936 the Courthouse in Taylor County was razed for the purpose of constructing a new one; and

Whereas, in the moving the equipment from the old building and into the new one certain Volumes of the Supreme Court Reports and also of the Court of Appeals Reports belonging to Taylor County were lost or destroyed, and

Whereas, the business of the Superior Court of Taylor County is hampered and delayed on account of said missing volumes.

Be it therefore resolved, by the General Assembly of Georgia, that the State Librarian be and she is hereby directed to supply to the proper authorities of Taylor County the following volumes of the Supreme Court reports, to-wit:

2, 62, 63, 67, 70, 80, 87, 103, 127, 128, 130, 145, 151, 152, 155, 156, 161, 166, 173, 180.

Also the following Reports of the Court of Appeals, to-wit:

7, 15, 16, 18, 25, 27, 28, 30, 36, 38, 46, 47, 52, 53.

The Senate moves to amend House Resolution 128-480A by striking the words, "directed to supply" in the third paragraph of said resolution, and inserting in lieu thereof, the word, "authorized."

By Messrs. Etheridge and Kendrick and Mrs. Mankin of Fulton—

House Bill No. 811. A bill to be entitled an Act to amend an Act establishing a new charter for the City of Atlanta; and for other purposes.

The following Senate substitute to House Bill No. 811, was read and agreed to:

#### A BILL

To be entitled an Act to amend an Act establishing a new charter for the City of Atlanta, approved February 28, 1874, and the several Acts amendatory thereof; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA and it is hereby enacted by the authority of same that the Act establishing a new charter for the City of Atlanta, approved February 28, 1874, and the several Acts amendatory thereof, be, and the same are hereby amended as follows:

Section 1. Section 356 of the charter of the City of Atlanta, as disclosed by the Code of Atlanta, 1924, is amended by adding the following at the end thereof:

"In all cases where such Chief, officer, member of employee of said department is indicted by the Grand Jury of Fulton County, or any other county of the State of Georgia, for an offense involving moral turpitude, or an offense pertaining to, or concerning his official conduct, he shall by virtue of such indictment, be suspended without right to compensation until he may be tried by the Police Committee of the General Council, or by a jury in the Superior Court, or other court having jurisdiction, and upon conviction either by the Police Committee, or by the jury, he shall thereupon be discharged."

SECTION 2. The Mayor and General Council of the City of Atlanta are hereby authorized to convey to Ernest G. Beaudry, his heirs, successors and assigns, the following described tract of land, now a part of the park property of the City of Atlanta:

"All that tract or parcel of land lying and being in Land Lot 154 of the Seventeenth (17th) District of Fulton County, Georgia, more particularly described as follows:

"Beginning at a point on a line four hundred (400) feet west of Northside Drive and Two Hundred fifty (250) feet north of the second street south of Peachtree Creek running west from Northside Drive; thence west one hundred forty-one and ten one-hundredths (141.10) feet to Memorial Drive; thence north-easterly along south side of Memorial Drive one hundred and eighty-eight and six-tenths (188.6) feet; thence south one hundred thirty and seven-tenths (130.7) feet to the point of beginning."

SECTION 3. That the territorial limits of the City of Atlanta be and are hereby extended so as to take in territory adjacent to the present limits, fully described as follows:

"All that tract or parcel of land lying and being in the 15th District of DeKalb County, Georgia, more particularly described as follows:

"A tract of land on the south side of Glenwood Avenue beginning at the corner of West Street and Glenwood Avenue and extending East along the South side of Glenwood Avenue a distance of approximately 1550 feet to Lot No. 8, according to a plat made by Gordon Nalley, Engineer, and extending thence South approximately 185 feet, more or less, to the Southwest corner of Lot No. 8, thence West to West Street; thence North approximately 1174 feet to the point of beginning."

SECTION 4. The power and authority of the City of Atlanta under its present charter and ordinance and all laws appertaining to said City as a municipality are hereby extended over and made effective in every part of the territory included in the limits above described on January 1st, 1940. The power and authority of the officers of the City are made coextensive with the limits as extended by this Act, and all other rights and powers necessary to carry out and enforce the laws and ordinances governing said City of Atlanta; the power of taxing property and of fixing and regulating licenses for business; to assess, issue executions for, and,

in cases of default, sell the property upon which taxes are due, as now prescribed by charter; and the laws and ordinances of the City of Atlanta are extended to all limits included under the terms of this Act. The power of the Health Department, Police Department, City Tax Assessors and Receivers, Tax Collector, Marshal, Clerk of Council, Building Inspector, Recorder, and all other officers of the City of Atlanta are extended to the new limits as fully and completely as they exist within the former limits and under the present charter, the laws and ordinances governing the City of Atlanta. Said new territory is likewise made subject to all the bonds heretofore issued by the City of Atlanta, and are bound for the payment of said bonds equally with the former territory of the City of Atlanta.

SECTION 5. All laws and parts of laws in conflict with these laws be and the same are hereby repealed.

By Messrs. Simmons and Mills of Decatur—

House Resolution No. 142-533 B. A resolution authorizing and directing the State Librarian to furnish certain books to Decatur County; and for other purposes.

The following Senate amendment to House Resolution No. 142-533 B, was read and agreed to:

The Senate moves to amend House Resolution No. 142-533 B by striking the word, "required," and the words, "and directed" in the fourth paragraph of said resolution, so as to make said resolution permissive instead of mandatory.

By Messrs. Goddard and Purdy of Spalding—

House Resolution No. 55-241 A. A resolution authorizing the State Librarian to furnish certain law books to the Clerk of the Superior Court of Spalding County; and for other purposes.

The following Senate amendment to House Resolution No. 55-241 A, was read and agreed to:

The Senate moves to amend House Resolution No. 241 A by striking the words, "and directed" in the third line of the second paragraph of said resolution so as to leave the said resolution permissive instead of mandatory.

By Messrs. Blackshear and Terrell of Hall—

House Bill No. 244. A bill to be entitled an Act to provide for an appropriation from the State Treasurer for the purpose of purchasing law books for the County of Hall to replace law books destroyed by storm; and for other purposes.

The following Senate amendment to House Bill No. 244, was read and agreed to:

The Senate moves to amend House Bill No. 244 by adding a new section to be known as Section 1 A.

"There is hereby appropriated from the Treasury of the State of Georgia,

the sum of \$750.00, for the purchase of Georgia reports, Volumes 1 and 2 preliminary, and Volumes 1 to 186 inclusive; Georgia Appeals Reports, Volumes 1 to 57 inclusive; for the use of Emanuel County in place of the law books of Emanuel County destroyed by fire. Upon the purchase of said law books, the Treasurer of the State of Georgia is hereby authorized and directed to pay said sum to the proper authorities for said purpose."

Further amends caption, line 3 after the word "storm" the following: "and for the County of Emanuel to replace books destroyed by fire."

The Senate amends House Bill No. 244, by adding a new section to be known as Section 2 A.

"There is hereby appropriated from the Treasury of the State of Georgia, the sum of \$750.00 for the purchase of a complete set Georgia Reports and a complete set of Georgia Acts and a complete set of Georgia Appeals Reports for the use of Oconee County, all books of the County having been destroyed by fire. The Treasurer of the State of Georgia is hereby authorized and directed to pay said sum to the proper authorities for said purpose."

Further amends caption, line 3 after the words "and for the County of Emanuel to replace books destroyed by fire," by adding the following: "and for the County of Oconee to replace books destroyed by fire."

By Messrs. Whipple of Bleckley, Grice of Bibb, Forrester of Crisp, Key of Jasper, Bennett of Ware, Atkinson of Chatham, Evans of McDuffie, Dean of Rockdale, Allen of Dougherty and Hill of Screven—

House Bill No. 76. A bill to be entitled an Act to amend Paragraph 8 of Section 4 of Article 6, of the Constitution of the State of Georgia, so as to provide that Judges of the Superior Courts may in vacation hear and determine any matter, where a jury verdict is not required; and for other purposes.

The following Senate amendment to House Bill No. 76, was read and agreed to:

The Senate amends House Bill No. 76, by inserting in the last line of Section 1 between the word "be" and the word "waived" the words "and has been"

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House Substitute, as amended, to the following bill of the Senate, to-wit:

By Senator Manning of the 39th District—

Senate Bill No. 43. A bill to define and prohibit reckless driving; to restrict the speed limit; and for other purposes.

Under the special and continuing order of business established by the Com-

mittee on Rules, the following bills and resolution of the Senate were taken up for consideration and read the third time:

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By Senator Twiggs of the 40th District—

Senate Bill No. 185. A bill to be entitled an Act to amend the “Equalizing Educational Opportunities Act”; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 109, the nays 3.

The bill having received the requisite constitutional majority was passed.

Messrs. Grice of Bibb, Jones and Lanier of Richmond requested that the Journal show that they voted against the passage of the bill.

By Senator Cail of the 17th District—

Senate Bill No. 146. A bill to be entitled an Act to amend Section 95-1715 of the Code of 1933, relating to the condemnation of rights-of-way by permitting condemnation of property for public roads to the width of 200 feet at the base; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 21.

The bill having received the requisite constitutional majority was passed.

Mr. Foster of Towns requested that the Journal show that he voted against the passage of the bill.

By Senator Brooks of the 8th District—

Senate Resolution No. 48. A resolution that the first ten amendments to the United States Constitution be and are hereby ratified; and for other purposes.

The report of the Committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, the ayes were 103, the nays 2.

The resolution having received the requisite constitutional majority, was adopted.

By Senators Spivey of the 16th, Durden of the 10th, Harrell of the 7th, Cloud of the 17th and Brinson of the 42nd Districts—

Senate Bill No. 182. A bill to be entitled an Act to grant to the legal owner of land the right to recover the value from trees cut from said land without written consent of the said legal owner of said land; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, the ayes were 103, the nays 9.

The bill having received the requisite constitutional majority was passed.

Mr. Aiken of Bulloch requested that the Journal show that he voted against the passage of the bill.

By Senator Durden of the 10th District—

Senate Bill No. 224. A bill to be entitled an Act to amend an Act to authorize and empower the Governor to assign and set apart the rentals of the Western and Atlantic Railroad; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 103, the nays 7.

The bill having received the requisite constitutional majority was passed.

The following resolutions of the House were read and adopted:

By Messrs. Culpepper of Fayette and Harris of Richmond—

House Resolution No. 206. A resolution authorizing the continuance of the Economy Committee in full force and effect until June 1, 1939; and for other purposes.

By Messrs. Bennett and Williams of Ware—

House Resolution No. 207.

#### A RESOLUTION

Whereas, the Honorable Jack Gardner of Brunswick, Georgia, the Honorable Hadley Brown, Senator from the Fourth District, and the Honorable Charlie Gowen of Brunswick, Georgia, have extended an invitation to the members of the House of Representatives to be their guest for a week-end between June 10th, and September 10th, 1939, and

Whereas, it is most gracious, kind and thoughtful of the said distinguished gentleman of Brunswick to invite the members of the House of Representatives to be their guests and to enjoy the wonderful sea breezes of the "marshes of Glynn," down in the land of sunshine and plenty,

Be it therefore resolved, that the House of Representatives accepts this very kind invitation of the Honorable Jack Gardner, the Honorable Hadley Brown, and the Honorable Charlie Gowen, and that the Speaker of the House be designated to work out a suitable week-end between the dates specified and that the members be notified through the press of the date agreed upon.

Be it further resolved, that the House express to these gentlemen its appreciation for the most gracious invitation and that a copy of this resolution be sent by the Clerk of the House to the Honorable Jack Gardner at Brunswick, Georgia,

Be it further resolved, that the House express to the representative from Glynn County its appreciation for his fine work in this session and to commend him most highly to his people.

By Mr. Harrison of Jenkins—

House Resolution No. 208.

#### A RESOLUTION

Whereas, throughout the present session of the deliberations of the House of Representatives, the sound equipment added much to facilitating said deliberations, and

Whereas, this sound equipment is a necessary service to said House members, and has been very much appreciated by all members in debate, as well as others, and said sound equipment has at all times functioned properly for the benefit of said House,

Be it therefore resolved by the House that the Acoustic Equipment Company be in this manner apprised of the satisfaction of the House in said sound equipment, and its perfect service, under the direction of P. C. Bangs, in charge.

By Mr. Daughtry of Wilkinson—

House Resolution No. 209. A resolution expressing appreciation of the visit of Commander-in-Chief Van Antwerp and his party to the State of Georgia; and for other purposes.

By Messrs. Carrington of Barrow and Joel of Clark—

House Resolution No. 210.

#### A RESOLUTION

Whereas, the British Government has now under consideration the abrogation of the Balfour Declaration which provides Palestine as a National Home for its Jewish people, and

Whereas, the United States is a party to said declaration, and

Whereas, the Jewish people have contributed much to the upbuilding and development of Palestine, and

Whereas, the Jews of Europe are today facing a grave crisis occasioned by the brutality and inhuman tactics of foreign dictators, and

Whereas, the people of the State of Georgia are not in sympathy with such uncivilized actions by such foreign dictators, and

Whereas, it is the concensus of public opinion in the State of Georgia that the establishment of a Jewish Homeland in Palestine should not be hindered or delayed, but rather should be encouraged and aided,

Therefore, be it resolved, that the Georgia House of Representatives urge

the British Government to abide by the terms of the Balfour Declaration and allow the Jewish people to proceed with the establishment of a Jewish Homeland in Palestine, and

Be it further resolved, that the House protest the inhuman and barbaric treatment of religious groups, and

Be it further resolved, that a copy of this resolution be sent to the Prime Minister of England.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Messrs. Allison of Gwinnett, Gowen of Glynn, McNall and Grayson of Chatham and Bennett of Ware—

House Bill No. 213. A bill to be entitled an Act to amend an Act relating to licenses for motor vehicles; and for other purposes.

The following Senate amendment to House Bill No. 213, was read and agreed to:

The Senate amends House Bill No. 213 as follows:

By adding the following words at the end of Section 1. "This provision shall have no application to the regular vehicular fees charged for all private motor vehicles, carriers."

The following report of the Committee of Conference on Senate Bill No. 172, was read and agreed to:

Mr. President and Mr. Speaker:

Your Committee on Conference on Senate Bill No. 172 recommends the following:

That the Senate accept House Amendment No. 1.

That the House recede from House Amendment No. 2, and that the Senate and House accept in lieu thereof the following:

Strike the words beginning in line 15, Section 5, with "shall pay" and ending with the words "being paid" on line 17 and insert in lieu thereof the following:

"The lessee or lessees agrees to pay during the entire term of said lease all taxes, both on the lot and the improvements as they now are or may hereafter be made which may be lawfully assessed against said property, and all street and sidewalk improvements, curbing, white lights, sewer, or other kind of assessments which may be lawfully assessed against said property by State, County and City authorities."

That the Senate adopt House Amendment No. 4.

## BY THE HOUSE

Clements of Wheeler

Carmichael of Cobb

Candler of DeKalb

## BY THE SENATE

Millican of the 52nd District

Clark of the 19th District

Abbot of the 8th District.

The following bills of the House were taken up for the purpose of considering the Senate amendments thereto:

By Mr. Davis of Floyd—

House Bill No. 436. A bill to be entitled an Act to amend Section 32-1004 of the Civil Code of 1933, so as to change the qualifications of the County Superintendents of Schools in counties of a certain population; and for other purposes.

The following Senate amendment to House Bill No. 436, was read and agreed to:

The Senate moves to amend House Bill No. 436, line 33 by adding before the word "election" the words "a primary"

By Mr. Key of Jasper—

House Bill No. 124. A bill to be entitled an Act to fix the taxable situs of intangible trust property; and for other purposes.

The following Senate amendment to House Bill No. 124, was read and agreed to:

The Senate amends House Bill No. 124, by adding after the word "property" in line 1, the following: "which trust was or is created by a resident of this State"

Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Jordan of the 15th District—

Senate Bill No. 227. A bill to be entitled an Act to abolish the offices of Tax Receiver and Tax Collector and creating the office of Tax Commissioner of Wheeler County; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 0.

The bill having received the requisite constitutional majority was passed.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. Sapp of Coffee—

House Bill No. 755. A bill to repeal an Act entitled an Act to establish the City Court of Douglas; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed as amended by the requisite constitutional majority the following resolutions of the House, to-wit:

By Mr. Pannell of Murray—

House Resolution No. 62-259 C. A resolution authorizing the state librarian to furnish certain books to Murray County; and for other purposes.

By Mr. Pannell of Murray—

House Resolution No. 63-259 D. A resolution authorizing the State Librarian to furnish certain Georgia Reports to Murray County; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House, to-wit:

By Mr. Henderson of Irwin—

House Bill No. 420. A bill amending the Constitution so as to authorize the City of Ocilla, Georgia, to incur bonded indebtedness; and for other purposes.

By Messrs. Marion and J. H. Ennis of Baldwin—

House Bill No. 625. A bill enlarging the powers of the Trustees of Georgia Military College; and for other purposes.

By Messrs. Marion and J. H. Ennis of Baldwin—

House Bill No. 624. A bill granting to the Georgia Military College certain lands; and for other purposes.

Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Millican of the 52nd District—

Senate Bill No. 113. A bill to be entitled an Act to amend Code Section 40-1608 of the Code of 1933 with reference to Assistant Attorney Generals; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 43, the nays 62.

The bill having failed to receive the requisite constitutional majority, was lost.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate insists upon its position on its substitute as amended to the following bill of the House, to-wit:

By Messrs. Hill of Screven and Lovett of Laurens—

House Bill No. 446. A bill to create a special fund for the sole purpose of paying the salaries of the teachers of the common schools; and for other purposes.

The President named as a committee on conference on the part of the Senate to confer with a like committee on the part of the House on House Bill No. 446 the following senators:

Senators Howe of the 38th, Daves of the 14th and Twiggs of the 40th Districts.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has disagreed to the Conference Committee report and has receded from Senate Amendments Nos. 12 and 13 to the following bill of the House, to-wit:

By Messrs. Lanier, Harris and Jones of Richmond and Kendrick of Fulton and McNall of Chatham—

House Bill No. 49. A bill amending an Act known as "Unemployment Compensation Law", approved March 29, 1937; and for other purposes.

Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senator Millican of the 52nd District—

Senate Bill No. 230. A bill to be entitled an Act to amend Code Section 92-3715 of 1933, by striking the words "one and one-fourth mills" where the same

occur in said section and inserting in lieu thereof "three mills"; and for other purposes.

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Mr. Gross of Stephens moved the previous question, the motion prevailed, and the main question ordered.

The following amendments to Senate Bill No. 230, were read and adopted:

Mr. Etheridge of Fulton moves to amend Senate Bill No. 230 by adding the words "be amended" in the fourth line of Section 1 thereof, immediately after the parenthesis and before the word "by" in said line.

Mr. Davis of Coweta moves to amend Senate Bill No. 230 by adding a new section before the repealing clause and to be appropriately numbered and to read as follows:

That the increase authorized by this Act from  $1\frac{1}{4}$  mills to not exceeding 3 mills shall expire at the end of two years from the passage of this Act and that after the expiration of this Act the counties of the State shall be authorized to levy a tax not to exceed  $1\frac{1}{4}$  mills.

Messrs. Etheridge, Kendrick and Mrs. Mankin of Fulton move to amend Senate Bill No. 230 as follows:

1.

By striking Section 1 of said bill in its entirety and inserting in lieu thereof a new section to be known as Section 1.

Section 1. Be it enacted by the General Assembly of the State of Georgia that from and after the passage of this Act Code Section 92-3715 of the Code of 1933 as amended by the Act approved March 31, 1937 (as published in Georgia Laws 1937, pages 444-446) be amended by striking from said section the words "one and one-fourth mills" and inserting in lieu thereof the words "three mills; provided, that said tax shall not exceed one and one-fourth mills except upon recommendation of two successive grand juries of the county, made by a two-thirds vote of said grand juries"; so that said section as amended, shall read as follows:

"92-3715. Tax for the support of paupers.—The Ordinary or other authority empowered to levy taxes is authorized to levy for the support of the paupers of the county, a tax not in excess of three mills; provided, that said tax shall not exceed one and one-fourth mills except upon recommendation of two successive grand juries of the county, made by a two-thirds vote of said grand juries."

2.

Further moves to amend the caption of said bill accordingly.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, Mr. Etheridge of Fulton moved the ayes and nays, and the call was sustained.

Mr. Carmichael of Cobb asked unanimous consent, that explanation of votes be dispensed with, and the consent was granted.

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The roll call was ordered and the vote was as follows:

Those voting in the affirmative were Messrs.:

Aiken	Etheridge of Fulton	Middleton
Allen	Etheridge of Houston	Moore of Lumpkin
Allison of Gwinnett	Ferguson of Camden	Moore of Taliaferro
Almand	Ford	Morgan
Beck	Forrester of Dade	Pannell
Bell	Foster	Pharr
Bloodworth	Fowler of Douglas	Pierce
Boyd of Cook	Fowler of Treutlen	Pilcher
Branch	Franklin of Bulloch	Preston
Brooks of Oglethorpe	Franklin of Polk	Purdy
Bynum	Gaines	Reid
Campbell	Goddard	Rossee
Candler	Gowen	Sabados
Carmichael of Cobb	Greene	Sams
Carrington	Grice	Sapp
Carter	Griffin	Sartain
Cheney	Harrison of Crawford	Saunders
Clark	Harrison of Jenkins	Scott
Clary	Harvey	Smiley
Claxton	Holtzendorff	Stiles
Clements of Calhoun	Howard	Strickland of Haralson
Clements of Marion	Jackson	Strickland of Pierce
Clements of Wheeler	Joel	Swindle
Conner	Jones of Richmond	Tate
Cook	Kelley	Terrell
Corbett	Kendrick	Thigpen of Evans
Curry	Key	Thigpen of Glascock
Dallis	King	Tippins
Daughtry	Lanham	Trippe
Davidson	Lanier	Turner
Davis of Coweta	Lewis	Vickery
Dean	Looper	Wells
Dockery	Mankin	Whipple
Douglass	Marshall	Whitaker
Elliott	Mason	Wiggins
Ennis, J. H.	Maxwell	Williams of Bacon
Ennis, Marion	McCracken	Williams of Ware
Etheridge of Baker	McGraw	Wohlwender

Those voting in the negative were Messrs.

Atkinson	Edwards of Taylor	McBride
Barlow	Evans of McDuffie	McDaniel
Barrett	Ferguson of Sumter	McNall
Bennett of Ware	Flanders	Parham
Blackshear	Forrester of Crisp	Parker
Blease	Grant	Rogers
Bray	Grayson	Roughton
Bruce	Gross of Stephens	Smith of Henry
Carmichael of Butts	Guyton	Smith of Schley
Connell	Harden	Sumner
Culpepper of Fayette	Henderson	Tomlinson
DeFoor	Hinson	Yeomans
Drinkard	Jones of Paulding	
Edwards of Lowndes	Kennedy	

Those not voting were Messrs.:

Allison of White	Gavin	Mills
Ansley	Gill	Mosely
Bennett of Clarke	Goolsby	Moss
Binion	Graham	Ragan
Boyd of Greene	Gross of Washington	Rawlins
Brooks of Jackson	Hardman	Rees
Bush	Hatchett	Rountree
Chappell	Hayes	Sanders
Cobb	Herndon	Simmons
Coogler	Hill	Summerour
Culpepper of Mitchell	Johnson	Thornton
Davis of Floyd	Jones of Brantley	Tipton
Dickerson	Kaigler	Wages
Drake	Kimbrough	Warren
Easley	Lovett	Wright
English	Merritt	Yawn
Evans of Laurens	Miller	

By unanimous consent, verification of the roll call was dispensed with.

On the passage of the bill, as amended, the ayes were 112, the nays 41.

The bill having received the requisite constitutional majority was passed, as amended.

The Speaker appointed as a Committee of Conference on the part of the House to confer with a like Committee on the part of the Senate, on House Bill No. 446, the salary reduction bill, the following members of the House, to-wit:

Messrs. Fowler of Treutlen,  
Hill of Screven, and  
Marion Ennis of Baldwin.

The following message was received from the Senate through Mr. Hammond the Secretary thereof:

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Mr. Speaker:

The Senate has amended by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. Marion and J. H. Ennis of Baldwin—

House Bill No. 698. A bill providing for the sale of surplus products of institutions under the control and supervision of the State Department of Public Welfare; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following resolutions of the House, to-wit:

By Mr. Cook of Chattooga—

House Resolution No. 61-259 B. A resolution relieving Dr. W. B. Hair of the bond of L. N. Roberson; and for other purposes.

By Mr. Cook of Chattooga—

House Resolution No. 64-259 E. A resolution relieving surety W. B. Hair from bond forfeiture in Chattooga City Court; and for other purposes.

Under the special and continuing order of business established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senators Brown of the 4th, Thrasher of the 27th and Brooks of the 8th Districts—

Senate Bill No. 179. A bill to be entitled an Act to amend Georgia Laws Extra Session 1937-1938, pages 332-337, authorizing the Commissioner of Agriculture to promulgate rules and regulations in reference to sanitation, distribution and transportation of sea foods; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 108, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senators Brown of the 4th, Thrasher of the 27th and Brooks of the 8th Districts—

Senate Bill No. 180. A bill to be entitled an Act to repeal Section 45-210

of the Code relating to license fees levied on commercial fishing boats, by providing an additional license on non-residents or aliens; and for other purposes.

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The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 107, the nays 0.

The bill having received the requisite constitutional majority was passed.

By Senators Howe of the 38th and McGinty of the 43rd Districts—

Senate Bill No. 203. A bill to be entitled an Act providing for the retirement of any member of the Industrial Board upon having attained the age of 75 years, with 15 or more consecutive years service; and for other purposes.

Mr. Lovett of Laurens moved that the bill be tabled, and the motion was lost.

Mr. Beck of Carroll moved the previous question, the motion prevailed, and the main question ordered.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, Mr. Lovett of Laurens moved the ayes and nays, and the call was not sustained.

On the passage of the bill, the ayes were 93, the nays 22.

The bill having failed to receive the requisite constitutional majority was lost.

Mr. Atkinson of Chatham moved that the House reconsider its action in failing to pass the bill.

On the motion to reconsider, the ayes were 87, the nays 13.

The motion prevailed, and the bill was reconsidered.

Mr. Grayson of Chatham moved the previous question, the motion prevailed, and the main question ordered.

The following amendment to Senate Bill No. 203, was read and adopted:

Messrs. Lovett of Laurens and Atkinson of Chatham (1) move to amend Senate Bill No. 203 by adding after the word retirement in the fourth line of the second paragraph the following: "not to exceed \$1800.00 per year." (2) By adding in the third line of Section 1 after the word "Georgia" the following: "now in office."

On the passage of the bill, as amended, the ayes were 105, the nays 7.

The bill having received the requisite constitutional majority was passed, as amended.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

~~The Senate has agreed~~ to the House amendments to the following bill of the Senate, to-wit:

By Senator Millican of the 52nd District—

Senate Bill No. 230. A bill amending Code Section 92-3715 by authorizing the counties to levy a tax of 3 mills for the support of the paupers; and for other purposes.

Under the special and continuing order of business established by the Committee on Rules, the following bills of the Senate were taken up for consideration and read the third time:

By Senators Howe of the 38th, Millican of the 52nd, Harrell of the 7th, Lindsay of the 34th and Groover of the 37th Districts—

Senate Bill No. 160. A bill to be entitled an Act to repeal the Act creating the State Penal Administration Board; and creating the Board of Penal Correction; and for other purposes.

Mr. Clary of Columbia moved the previous question, the motion prevailed, and the main question was ordered.

The following Committee amendments to Senate Bill No. 160, were read and adopted:

Committee moves to amend Senate Bill No. 160 by amending Section 10 of said bill by inserting in the fifth line of said section, after the words "transmit the same," the following words: "less the cost of material and necessary expense of manufacture or production."

Committee moves to amend Senate Bill No. 160 by amending Section 10 of said bill by adding at the end of said section the following:

"Said Board shall have authority to use so much of said monies as may be necessary to pay the cost of material and the expense of production without the necessity of first transmitting such amounts to the State Treasurer."

The report of the Committee, which was favorable to the passage of the bill, as amended, was agreed to.

On the passage of the bill, as amended, the ayes were 111, the nays 2.

The bill having received the requisite constitutional majority was passed, as amended.

By Senator Lindsay of the 34th District—

Senate Bill No. 183. A bill to be entitled an Act to amend Section 84-903 of the Code of 1933, relating to the appointment of members of the State Medical Board; and for other purposes.

Mr. Carmichael of Cobb moved the previous question, the motion prevailed, and the main question was ordered.

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The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 117, the nays 2.

The bill having received the requisite constitutional majority was passed.

By Senators Smith of the 24th and Lindsay of the 34th Districts—

Senate Bill No. 218. A bill to be entitled an Act establishing and creating a corporation to be known as the Atlanta Produce Market Authority; and for other purposes.

Mr. Carmichael of Cobb moved that the bill be tabled.

On the motion to table, Mr. Swindle of Berrien moved the ayes and nays, and the call was not sustained.

On the motion to table, the ayes were 64, the nays 47.

The motion prevailed, and the bill was tabled.

The following report of the Committee of Conference on House Bill No. 446, was submitted and read:

Mr. President:

Mr. Speaker:

Your conference committee which has had under consideration House Bill No. 446 respectfully reports that it is unable to agree.

Senate Conferees:

Don B. Howe, 38th District,

J. W. Twiggs, 40th District,

V. C. Daves, 14th District.

House Conferees:

G. M. Hill, Jr., Screven County,

Marion Ennis, Baldwin County,

J. W. Fowler, Treutlen County.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill of the House, to-wit:

By Messrs. McBride of Montgomery and Edwards of Lowndes—

~~House Bill No. 407~~ ~~cn~~ A bill to prevent the spread of hog cholera; and for other purposes.

The Senate has accepted the report of the Conference Committee in stating that they were unable to agree and the President appointed the following Senators as a second Conference Committee to confer with a like committee on the part of the House:

Senators Holt of the 3rd,  
 Causey of the 46th, and  
 Harrell of the 7th Districts;

on the following bill of the House, to-wit:

By Mr. Henderson of Irwin, and others—

House Bill No. 446. A bill providing for 12½% reduction of salary for certain State employees.

The Speaker appointed as a second Committee of Conference on the part of the House to confer with a like Committee on the part of the Senate, on House Bill No. 446, the salary reduction bill, the following members of the House, to-wit:

Messrs. Hill of Screven,  
 Grayson of Chatham, and  
 Dean of Rockdale.

Under the special and continuing order of business established by the Committee on Rules, the following bill of the Senate was taken up for consideration and read the third time:

By Senators Durden of the 10th and Harrell of the 7th Districts—

Senate Bill No. 104. A bill to be entitled an Act to amend an Act providing for the registration of trade names, partnership names, etc., providing that registration shall be advertised in the county; and for other purposes.

Mr. Davis of Coweta moved that the bill be indefinitely postponed.

On the motion to indefinitely postpone, the ayes were 76, the nays 37.

The motion prevailed.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House amendments to the following bills of the Senate, to-wit:

By Senators Howe of the 38th and McGinty of the 43rd Districts—

Senate Bill No. 203. A bill to provide for the retirement of any member of the Industrial Board upon having attained the age of 77 years; and for other purposes

By Senators Howe of the 38th, Millican of the 52nd, Harrell of the 7th, and others—

Senate Bill No. 160. A bill to repeal an Act creating the State Penal Administration Board, to be known as the Board of Penal Corrections; and for other purposes.

The following bills and resolutions of the House were taken up for the purpose of considering the Senate amendments thereto:

By Mr. Sapp of Coffee—

House Bill No. 755. A bill to be entitled an Act to repeal an Act to establish the City Court of Douglas, Coffee County; and for other purposes.

The following Senate amendments to House Bill No. 755, were read and agreed to:

The Senate moves to amend House Bill No. 755, Section 1, by striking the period at end of said section and inserting the following: "as of the date specified in Section 7 of said Act." Further amend by striking Section 7 in its entirety and inserting in lieu the following:

Section 7. Be it further enacted by the authority aforesaid, that this Act shall take effect only in the event of its approval by a majority of the voters of Coffee County, who are qualified to vote at the last general election for members of the General Assembly, who shall vote at an election to be called for the purpose of ratifying or rejecting this Act. The ordinary of Coffee County shall call an election, to be held during the month of April, 1940, for the purpose of ratifying or rejecting this Act. At said election those favoring the approval and adoption of this Act shall have their ballots marked "for repeal of the Act creating and establishing the City Court of Douglas, in the City of Douglas, in Coffee County, Georgia" and those voting against the adoption of this Act and for the rejection thereof shall have their ballots marked "against repeal of the Act creating and establishing the City Court of Douglas, in the City of Douglas, in Coffee County, Georgia." If a majority of the qualified voters voting in said election vote "for repeal of the Act creating and establishing the Court of Douglas, in the City of Douglas, in Coffee County, Georgia" this Act shall be of full force and effect and said court will become abolished and cease to exist on December 31st, 1940; otherwise this Act shall be void and of no effect.

The Senate moves to amend House Bill No. 755, by striking Section 6 and inserting a new section to be known as Section 6 and reading as follows:

Section 6. Be it further enacted by the authority aforesaid, that all suits brought in the City Court of Douglas, Coffee County, Georgia, and pending therein, where service has been regularly perfected, when the same would be ready

for disposition at the next term of the City Court of Douglas, be and the same are hereby declared for trial at the next term of the Superior Court of Coffee County, Georgia, held after December 31st, 1940, as well as all other cases pending in said City Court of which the Superior Court has jurisdiction.

By Messrs. Marion Ennis and J. H. Ennis of Baldwin—

House Bill No. 698. A bill to be entitled an Act to provide for the sale of surplus products of institutions under the control and supervision of the State Department of Public Welfare; and for other purposes.

The following Senate amendment to House Bill No. 698, was read and agreed to:

The Senate moves to amend House Bill No. 698, by adding a new section to be appropriately numbered to read as follows:

“It is not intended by this Act to encourage competition in any way by the State, its institutions, agencies, departments or branches, or other sub-divisions with the individual private farmers of this State or others, in the production and sale of Agricultural or Industrial commodities or products, in due course of commerce.”

By Mr. Pannell of Murray—

House Resolution No. 62-259C. A resolution directing the State Librarian to furnish certain law books to Murray County; and for other purposes.

The following Senate amendment to House Resolution No. 62-259C was read and agreed to:

The Senate moves to amend House Resolution No. 62-259C by striking from the second paragraph thereof, the words, “and directed,” so as to make said resolution permissive instead of mandatory.

By Mr. Pannell of Murray—

House Resolution No. 63-259D. A resolution directing the State Librarian to furnish certain law books to the Ordinary of Murray County; and for other purposes.

The following Senate amendment to House Resolution No. 63-259D was read and agreed to:

The Senate moves to amend House Resolution No. 63-259D by striking from the second paragraph thereof, the words, “and directed,” so as to make said resolution permissive instead of mandatory.

Under the special and continuing order of business established by the Committee on Rules, the following bill and resolution of the Senate were taken up for consideration and read the third time:

By Senator Spivey of the 16th District, and others—

Senate Bill No. 206. A bill to be entitled an Act to authorize and provide the effect of docketing, indexing and recording certified copies of petitions under the Bankruptcy Act of the United States; and for other purposes.

The report of the Committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, the ayes were 104, the nays 4.

The bill having received the requisite constitutional majority was passed.

By Senators Smith of the 24th, Daves of the 14th and Cail of the 17th Districts—

Senate Resolution No. 57. A resolution to establish a State Road Survey Council; and for other purposes.

On the adoption of the resolution, Mr. Jones of Richmond moved the ayes and nays, and the call was sustained.

Mr. Jones of Richmond moved the resolution be tabled, and the motion prevailed.

The resolution was tabled.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills and resolutions of the House, to-wit:

By Mr. Atkinson of Chatham, and others—

House Resolution No. 11-49A. A resolution opening and closing the shad fishing season; and for other purposes.

By Mr. Gowen of Glynn, and others—

House Bill No. 352. A bill prohibiting the buying and possession of spawning crabs in certain months; and for other purposes.

By Mr. Atkinson of Chatham, and others—

House Bill No. 122. A bill providing for taking depositions in Insular possessions of the United States; and for other purposes.

By Mr. Atkinson of Chatham, and others—

House Bill No. 67. A bill providing for the Intercoastal Waterway Commission; and for other purposes.

The following resolutions of the House were read and adopted:

By Mr. Etheridge of Fulton—

House Resolution No. 211. A resolution. Whereas, Mrs. Mildred McEachern, Miss Floyce Fowler and Mrs. Aleene Harris, young women in charge of telephone booths, have handled this service most efficiently and intelligently at this session of the Legislature, and therefore be it resolved by the House of Representatives that a vote of thanks be extended to them for their kind and efficient service.

By Messrs. Scott of Thomas and Williams of Bacon—

House Resolution No. 212. A resolution urging Congress of the United States to work for the enactment of a law providing for a National Old Age Pension System to be financed by Federal Taxation; and for other purposes.

By Mr. Gross of Stephens—

House Resolution No. 213. A resolution. Be it resolved by the House that the Clerk of the House be and he is hereby instructed to inform the Senate that the House has completed its business and stands ready to adjourn sine die.

Mr. Lovett of Laurens arose to a point of personal privilege and addressed the House.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate, to-wit:

By Senator Durden of the 10th District—

Senate Resolution No. 77. A resolution instructing the Secretary of the Senate to notify the House of Representatives that the Senate has completed its transaction of business and now stands ready to adjourn sine die.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed, as amended, by the requisite constitutional majority the following bill of the House, to-wit:

By Mr. Culpepper of Fayette—

House Bill No. 137. A bill amending the Constitution with reference to the publication of Constitutional Amendments; and for other purposes.

The following resolution of the House was read and adopted:

By Mr. Gross of Stephens—

House Resolution No. 214. A resolution. Be it resolved by the House, the Senate concurring, that a Committee of five, three to be named by the Speaker

and two by the President of the Senate, be appointed to notify the Governor that the General Assembly of Georgia stands ready to adjourn sine die.

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The Speaker appointed as a committee on the part of the House to notify the Governor, that the General Assembly is ready to adjourn sine die, the following members of the House, to-wit:

Messrs. Lewis of Burke,  
Fowler of Treutlen, and  
Harrison of Jenkins.

Mr. Sams of DeKalb arose to a point of personal privilege and addressed the House.

Mr. Whipple of Bleckley arose to a point of personal privilege and addressed the House.

The following bill of the House was taken up for the purpose of considering the Senate amendment thereto:

By Mr. Culpepper of Fayette—

House Bill No. 137. A bill to be entitled an Act to carry into effect Article 13, Section 1, Paragraph 1, of the Constitution of Georgia, by providing for the publication of any proposed amendment to the Constitution, for submission of the same to the people; and for other purposes.

The following Senate amendments to House Bill No. 137, were read:

The Senate moves to amend House Bill No. 137 as follows:

By adding at the end of Section 1 of said bill the following words:

“Provided, that the Governor shall also cause to be published in the newspaper in each county in which the Sheriff’s advertisements are published a brief and concise summary of every such amendment, twice during the two weeks immediately prior to the time of holding the next general election. Said summary in no case to exceed one hundred words for each separate amendment.”

The Senate moves to amend the Committee amendment to House Bill No. 137, as follows:

By striking the word “one” in the last line of said amendment and inserting in lieu thereof the word “two.”

Mr. Carmichael of Cobb moved the previous question.

On the question of agreeing to the Senate amendments to House Bill No. 137, the ayes were 103, the nays 5.

The Senate amendments were agreed to.

The following resolutions of the House were read and adopted.

By Mr. Gross of Stephens—

~~House Resolution~~ No. 215. A resolution. Be it resolved by the House, the Senate concurring, that the General Assembly of Georgia do now adjourn sine die.

By Mr. Key of Jasper—

House Resolution No. 216. A resolution providing for a Committee of three to inquire and determine whether any member of the Civilian Conservation Corps has been unlawfully mistreated while located in Jasper County; and for other purposes.

By Mr. Key of Jasper—

House Resolution No. 217. A resolution extending to His Majesty, King George VI of England and his Gracious Queen, an invitation to visit the State of Georgia; and for other purposes.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following resolution of the House, to-wit:

By Mr. Gross of Stephens—

House Resolution No. 214. A resolution providing for a committee of five, three to be named by the Speaker and two by the President of the Senate, to be appointed to notify the Governor that the General Assembly of Georgia stands ready to adjourn sine die.

The President has appointed as a Committee from the Senate the following:

Senators Smith of the 24th, and

Durden of the 10th Districts.

The following report of the Committee of Conference on House Bill No. 446, the salary reduction bill, was submitted and read:

Mr. President:

Mr. Speaker:

Your committees of the Senate and House appointed to confer on the differences existing between the House and Senate on House Bill No. 446 have met and unanimously agreed and recommended as follows:

That the Senate recede from its position in adopting the Senate substitute and the House recede from its position in failing to adopt Senate substitute.

We further recommend that the Senate and the House both accept the Senate substitute as amended as follows:

We recommend that Section 2 of the Senate substitute be stricken in its entirety and the following section to be known as Section 2 be substituted in lieu thereof: [www.libtool.com.cn](http://www.libtool.com.cn)

"Section 2. Be it further enacted that on the first day of April, 1939, and on the first day of each succeeding month thereafter the State Treasurer shall pay to the State Superintendent of Schools two-thirds of the total of such funds as are made available through the operation of this Act and it shall then be the duty of the State Superintendent of Schools to distribute such funds to the local school systems of the State of Georgia for the purpose of paying salaries of common school teachers as provided by law.

"The State Treasurer shall in the same manner pay the remaining one-third to the State Public Welfare Board for the purpose of paying the existing operating deficit of the State Hospital at Milledgeville and after the payment of the present operating deficit the whole amount of said fund is hereby expressly allocated and appropriated to the common school fund for the sole purpose of paying the salaries of the common school teachers of Georgia as provided for herein."

We further recommend that the House recede from its position in failing to adopt Committee amendment to the Senate Substitute which provides that the Act shall become inoperative on the first day of the next convening of the General Assembly.

Your Committee further recommends that the House and Senate adopt a new section to be appropriately numbered and to read as follows:

"Be it further enacted that the total of all reductions in budgets, taking all of the Departments, Bureaus, Agencies, Boards and Commissions as a whole, shall be equal to at least 12% of the total salary schedule of all of the Departments, Bureaus, Agencies, Boards and Commissions as of January 1, 1939."

Respectfully submitted,

Senate:

Wallace E. Howell, 7th District,

Homer L. Causey, 46th District.

J. T. Holt, 3rd District.

House:

Hill of Screven,

Grayson of Chatham,

Dean of Rockdale.

Mr. Carmichael of Cobb moved that the House agree to the report of the Committee of Conference.

On the motion to agree, the ayes were 95, the nays 19.

~~The report of the~~ Committee of Conference was disagreed to.

Mr. Clary of Columbia moved that the House reconsider its action in disagreeing to the report of the Committee of Conference on House Bill No. 446, and the motion prevailed.

On the motion to agree, the ayes were 92, the nays 14.

The report of the Committee of Conference on House Bill No. 446, was disagreed to.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bill and resolutions of the House, to-wit:

By Messrs. Sabados and Allen of Dougherty—

House Bill No. 809. A bill to be entitled an Act to amend Code Section 355 (aa) Parks 1914 Annotated Code, so as to authorize persons holding office under municipal corporations in Georgia of a certain population to sell goods, wares and merchandise; and for other purposes.

By Mr. Key of Jasper—

House Resolution No. 216. A resolution creating a Committee of three to investigate and determine whether any member of the Civilian Conservation Corps Camp located in Jasper County, Georgia, during the last four years was unlawfully arrested or imprisoned or subjected to unjust, unfair treatment by any official or citizen of Jasper County.

By Mr. Key of Jasper—

House Resolution No. 217. A resolution authorizing the appointment of a special Committee to present to His Majesty, King George VI, at an appropriate time, the official invitation of the State of Georgia to visit the State named for his forebear.

The following message was received from the Senate through Mr. Hammond, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following resolution of the House, to-wit:

By Mr. Gross of Stephens—

House Resolution No. 215. A resolution providing that the General Assembly do now adjourn sine die.

The Committee appointed to notify His Excellency, the Governor, that the General Assembly had transacted its business and was ready to adjourn sine die, reported that it had dispatched its business.

The Speaker announced the House adjourned sine die.

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to  
**JOURNALS**  
of the  
**HOUSE OF REPRESENTATIVES**  
SPECIAL TEN-DAYS SESSION  
and  
REGULAR SESSION

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