

The purpose of the Joint Session having been accomplished, the Senate returned to the Senate Chamber and was called to order by Lieutenant Governor Allen.

RECESS

On motion of Mr. Boutwell, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION FIRST LEGISLATIVE DAY

TUESDAY, MAY 1, 1951

The Senate reassembled at 3 P. M., Lieutenant Governor Allen presiding.

ROLL CALL

Present:

Messrs.:	Farmer	Larkins	Robison
Andrews	Faulkner	Locke (Choctaw)	Skidmore
Benson	Foster	Locke (Perry)	Smith
Bonner	Golson	McCary	Sollie
Boutwell	High	Norrell	Thagard
Byars	Hollis	Pinson	Todd
Clayton	Johnson (Chambers)	Quarles	Whatley
Eddins	Johnston (Mobile)	Reneau	Wright
Fant	Jones	Richardson	

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Harrison (Shelby):

H. J. R. 4. Be It Resolved by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Friday, May 4, 1951, at 10:00 A. M.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Clayton, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Brassell:

H. J. R. 1. WHEREAS, the members of the Legislature of Alabama have the highest regard, esteem and respect for General Douglas Mac-

Arthur, and consider him one of the truly great Americans in our history, and

WHEREAS, General MacArthur formerly commanded the Eighty-Fourth Brigade of which the One Hundred Sixty-seventh Infantry Regiment composed of troops from Alabama was a part and later commanded the Rainbow Division of which the One Hundred Sixty-seventh Infantry Regiment was also a part, and

WHEREAS, the members of the Legislature would deem it a signal honor and privilege to have General MacArthur address a joint session of the Legislature of Alabama, now therefore

Be It Resolved by the House of Representatives, the Senate Concurring:

1. General Douglas MacArthur is hereby cordially invited to address a joint session of the Legislature of Alabama at any time which may be convenient to him.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to General Douglas MacArthur, and to release a copy of it to the press.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Jones, the Rules were suspended and the Resolution, H. J. R. 1, set out in the foregoing Message from the House was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Wallace:

H. J. R. 3. WHEREAS April 26 was Confederate Memorial Day, the day appointed for commemorating those intrepid and steadfast men who gave their lives to serve with Longstreet, Johnston, Jackson, and the immortal Lee, under the sign of the "Stars and Bars" and the "Stainless Banner"; and

WHEREAS those valiant troops, outnumbered three to two, a force smaller and more poorly equipped than their opponents, who were able to maintain an unequal conquest for four long years because of the strategic skill of their military leaders and their devotion to the Cause, sacrificed their lives fighting a defensive war on familiar soil, for the protection of their homes and our loved ones; now therefore,

Be It Resolved by the House of Representatives, the Senate Concurring, That the passing of these heroic soldiers and sailors of the War Between the States is deeply mourned and their memory revered;—and may their graves be strewn with flowers "until time shall be no more."

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Clayton, the Rules were suspended and the Resolution, H. J. R. 3, set out in the foregoing Message from the House was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Jones:

S. B. 43. To amend Section 1 of Act No. 19, S. 12, approved June 19, 1947 (General Acts of Alabama, 1947, page 5).

Committee on Finance and Taxation.

By Mr. Jones:

S. B. 44. To amend Section 1 of Act No. 173, H. 311, approved June 23, 1945 (General Acts of Alabama, 1945, page 304) which creates the State Department of Veterans Affairs.

Committee on Military.

By Mr. Jones:

S. B. 45. To amend Section 852 of Title 51 of the Code of Alabama, 1940, as amended, which relates to the exemption of disabled veterans from payment of certain licenses.

Committee on Finance and Taxation.

By Mr. Jones:

S. B. 46. To amend Section 305 of Title 55 of the Code of Alabama, 1940.

Committee on Judiciary.

By Mr. Jones:

S. B. 47. To amend Section 1 of Act No. 353, H. 352, approved July 6, 1945 (General Acts of Alabama, 1945, page 570) as amended by Act No. 698, S. 164, approved October 13, 1947 (General Acts of Alabama, 1947, page 535) which relates to the exemption of certain veterans from certain state, county and municipal business and occupational license taxes.

Committee on Finance and Taxation.

By Mr. Jones:

S. B. 48. To provide educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans.

Committee on Finance and Taxation.

By Messrs. Foster, High and Thagard:

S. B. 49. To provide that any male person who, without legal cause or good excuse, in the nighttime goes upon the premises of another and stares, gazes or peeps into any room, apartment or other place of abode, not his own or under his control, which is occupied by a female person or female persons, shall be guilty of a misdemeanor and to provide a penalty therefor.

Committee on Judiciary.

By Mr. McCary:

S. B. 50. Proposing an amendment to Article VIII, Section 178 of the Constitution of Alabama, which relates to suffrage and elections, and ordering a special election thereon.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. McCary:

S. B. 51. To abolish the Alabama State Markets Board created and established by Act No. 32, of the Legislature of 1943, approved May 21, 1943; to transfer all functions, powers and duties of the Alabama State Markets Board, together with real and personal property and all other assets to the State Board of Agriculture and Industries; to provide for the administration of powers, authority, duties and functions hereby conferred upon the State Board of Agriculture and Industries, and to repeal Sections 1, 2 and 5 of Act No. 32 of the Legislature of 1943, approved May 21, 1943.

Committee on Agriculture.

By Mr. McCary:

S. B. 52. To amend Sections 20 and 21 of Title 30, Code of Alabama (1940), which relate to the qualifications of persons on jury rolls.

Committee on Privileges and Elections.

By Mr. McCary:

S. B. 53. To create a Bureau of Professional and Occupational Licensing in the Department of Commerce; providing for its duties and functions; transferring to it the clerical and ministerial duties and functions and the records, supplies, equipment and effects of the professional and occupational licensing boards and commissions; making the Director of the Department of Commerce an ex-officio member of such boards and commissions; providing for the payment into the general fund of the state of all receipts of such boards and commissions; and repealing conflicting laws.

Committee on Finance and Taxation.

By Messrs. McCary, High and Foster:

S. B. 54. To revise Article 3, Chapter 1, Title 17, Code of Alabama (1940), which relates to the registration of electors, by amending Sections 26 and 34 and repealing Section 28.

Committee on Privileges and Elections.

By Messrs. McCary, Foster, Reneau, Fant, Faulkner, Jones, Benson, Todd, Skidmore, Smith and Hollis:

S. B. 55. To amend Section 1 of Title 32 of the Code of Alabama of 1940 relating to the number of Representatives in the House of Representatives.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Wright:

S. B. 56. To fix the salary of the State Health Officer.

Committee on Finance and Taxation.

By Mr. Wright:

S. B. 57. To make an appropriation to the Alabama Institute for Deaf and Blind to be used for the purchase of three buildings for the use of the Adult Blind Department of the Institute.

Committee on Finance and Taxation.

By Mr. Reneau:

S. B. 58. To amend Section 763 of Title 51, Code of Alabama (1940), which relates to the sales tax.

Committee on Finance and Taxation.

By Mr. Reneau:

S. B. 59. To amend Section 766, Title 51, Code of Alabama (1940), which relates to the sales tax.

Committee on Finance and Taxation.

By Mr. Reneau:

S. B. 60. To amend Sections 13 and 15 of Act No. 412, S. 261, approved July 7, 1945, entitled "An Act To provide for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama; to provide for, to define the duties of, and to limit the expenditures of a State Textbook Committee; to authorize the staggering of the adoption of textbooks in order that expenditures therefor may be equalized from year to year in so far as practicable; to provide for the adoption, purchase, distribution, and administration of state-owned textbooks by the State Board of Education; to provide for penalties for violation of certain terms of this act; and to repeal Sections 19 and 409 to 431, inclusive, Title 52, Code of Alabama 1940, and Sections 432 and 433, Title 52, Code of Alabama 1940 as amended by Act No. 313, approved June 28, 1943."

Committee on Education.

By Mr. Reneau:

S. B. 61. To repeal Section 7 (a) and (b) of Act No. 558, S. 274, approved July 9, 1943, entitled "An Act To provide that any person who leaves the scene of a motor vehicle accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment thereof."

Committee on Judiciary.

By Mr. Reneau:

S. B. 62. To repeal Sections 13 and 15 of Act No. 412, S. 261, approved July 7, 1945, entitled "An Act To provide for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama; to provide for, to define the duties of, and to limit the expenditures of a State Textbook Committee; to authorize the staggering of the adoption of textbooks in order that expenditures therefor may be equalized from year to year in so far as practicable; to provide for the adoption, purchase, distribution, and administration of state-owned textbooks by the State Board of Education; to provide for penalties for violation of certain terms of this act; and to repeal Sections 19 and 409 to 431, inclusive, Title 52, Code of Alabama 1940, and Sections 432 and 433, Title 52, Code of Alabama 1940 as amended by Act No. 313, approved June 28, 1943."

Committee on Education.

By Messrs. Thagard, Reneau and Foster:

S. B. 63. To amend Section 229, Title 13, Code of Alabama (1940), which relates to the powers, authority, and duties of solicitors.

Committee on Judiciary.

By Messrs. Thagard, Foster and Skidmore:

S. B. 64. To amend Title 14, Section 390, of the Code of Alabama of 1940 which relates to salary of the State Toxicologist.

Committee on Finance and Taxation.

By Mr. Thagard:

S. B. 65. To provide for the confiscation and forfeiture of weapons illegally used by any person in the commission of a crime or illegally in

his possession at the time of the commission of a crime or which are lawfully seized by arresting officers.

Committee on Judiciary.

By Messrs. Thagard, Reneau, Larkins, Faulkner, Clayton and Foster:

S. B. 66. To amend further Section 2 of Act No. 669, H. 792, approved July 5, 1940, which Act is known as the "Alabama Motor Carrier Act of 1939" (Acts, 1939, pp. 1064-1090).

Committee on Commerce and Common Carriers.

By Messrs. Thagard, Reneau and Foster:

S. B. 67. To amend Section 771, Title 51, Code of Alabama (1940), which relates to suits brought for the recovery of sales taxes.

Committee on Finance and Taxation.

By Mr. Thagard:

S. B. 68. To appropriate an additional ten thousand dollars (\$10,000) to the Alabama Milk Control Board for the fiscal year ending September 30, 1951.

Committee on Finance and Taxation.

By Messrs. Eddins, High and Robison:

S. B. 69. To make it unlawful for livestock or animals to go at large in any county in the State, and repealing conflicting laws.

Committee on Agriculture.

By Messrs. Eddins, High and Robison:

S. B. 70. To provide further for taking up and impounding livestock or animals running at large upon public lands, highways, and roads.

Committee on Agriculture.

By Mr. Sollie:

S. B. 71. To authorize the reproduction of any writing or record, made as a memorandum or record of an act, transaction, occurrence or event made in the regular course of any business by photostat, photographic, or microphotographic plate or film, providing for the admissibility in evidence of said photostat, plate or film or prints from such photographic or microphotographic plate or film, whether enlarged or facsimile; declaring a presumption of correctness of such reproduction; providing for preservation, inspection, and other rights and duties in reference to records so reproduced; defining the terms "business" and "records."

Committee on Judiciary.

By Mr. Sollie:

S. B. 72. Declaring that State and National Banks (as defined in this Act) because of their possible liability to depositors for turning down checks, are entitled to relief under the garnishment laws of this State; and to provide that State and National Banks, when made Garnishees in Garnishment Proceedings, shall not be required to answer the writ of garnishment otherwise than "not indebted" with respect to any person having a checking deposit account in said bank unless the name of such depositor appears on the books of the bank exactly in the name by which the defendant is designated in the writ of garnishment; and to provide that no such state or national bank shall be liable as garnishee or otherwise to any plaintiff in garnishment who shall have had or caused a writ of garnishment to be served on said bank as garnishee for having paid any moneys out of, or for having honored checks drawn upon, the account of any depositor of a checking account, except with respect to a depositor who is the defendant in garnishment and whose name appears on the books of the Bank in exactly the same manner as the name

of the defendant in garnishment is set forth in the writ of garnishment, and to provide that no writ of garnishment against such a bank shall be valid or enforceable, with respect to the checking account of any depositor in such bank, unless the name of such depositor appears on the books of such bank in exactly the same manner as the name of the defendant appears in the writ of garnishment; and to provide that in the event such a bank shall have more than one checking account depositor whose names appear on the books of the bank in exactly the same manner as the name of the defendant is set forth in any writ of garnishment such bank shall not be liable to any such depositor for failing or refusing to pay his checks drawn on any such account during such period of time following the service of the writ which will enable the bank to make a reasonable examination of the facts to determine whether the defendant in garnishment is the same person as any such depositor; and to define "checking deposit Account" and "State and National Banks."

Committee on Banking.

By Mr. Sollie:

S. B. 73. To amend Section 13 of Title 39 of the 1940 Code of Alabama defining instruments payable to bearer and repealing said original section.

Committee on Banking.

By Mr. Clayton:

S. B. 74. To amend Section 543 of Title 37 of the Code of Alabama, 1940, which relates to the continuance of liens of municipalities for public improvement assessments.

Committee on Municipalities and Municipal Organizations.

By Messrs. Clayton, Andrews, Thagard, Foster, High, Reneau, McCary and Johnson:

S. B. 75. To provide for the reporting and recording of the names and addresses of persons receiving public assistance in each county and of the amounts received by them and the names, addresses and salaries of all employees of the county board of public welfare and the county department of public welfare; to make it unlawful to use such information for any purpose not directly connected with the administration of public assistance; and prescribing penalties for violations of the Act.

Committee on Public Welfare and Correctional Institutions.

By Messrs. Todd, Johnson, Jones, Andrews, Robison, Quarles, Byars, Johnston, McCary, Larkins, Sollie, Foster, Locke (Choctaw), Hollis and High:

S. B. 76. To amend Section 649, of Title 51, of the Code of Alabama of 1940, as Amended, which relates to the report of sales and withdrawals of gasoline and the payment of excise tax levied thereon and the deduction of an allowance for credit losses, services rendered and expenses incurred in collecting, reporting, auditing and handling the said excise tax.

Committee on Finance and Taxation.

By Messrs. Robison and Eddins:

S. B. 77. To amend Section 152 of Title 41 of the Code of Alabama, 1940, which relates to salaries of officers and employees of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Robison:

S. B. 78. For the relief of Claude M. Finley.

Committee on Finance and Taxation.

By Mr. Robison:

S. B. 79. To regulate through licensure the business, profession, occupation or calling of ophthalmic dispensers, and creating and establishing for that purpose a regulatory agency to be known as the State Board of Ophthalmic Dispensers, providing for its membership, officers, and employees, and prescribing its jurisdiction, powers, duties and authority.

Committee on Finance and Taxation.

By Messrs. Robison, Richardson and Hollis:

S. B. 80. To provide that all money or funds received or collected by the Department of Examiners of Public Accounts in the form of fees, receipts, or income, as a result of services rendered in connection with municipal audits, or otherwise, be covered by said department into the Treasury of the State of Alabama to the credit of the General Fund of the State; that no law, local, special, or general, be repealed hereby, and to provide for the effective date of said Act.

Committee on Finance and Taxation.

By Mr. Robison:

S. B. 81. To provide for and require the reidentification of each qualified elector in every County in the State of Alabama having a population of not less than 135,000 nor more than 225,000 according to the last or any subsequent Federal Census; and to require the Board of Registrars in any such County to take the necessary action to purge the list of the qualified electors in any such County and to provide that any person making a wilfully false statement in connection with this reidentification shall be guilty of perjury.

Committee on Local Legislation.

By Messrs. Robison, Thagard and Clayton:

S. B. 82. Relating to the assessment of costs on proceeding brought to quiet title under the provisions of Title 7, Chapter 32, Article 2 of the Code of Alabama of 1940.

Committee on Judiciary.

By Messrs. Robison, Thagard and Clayton:

S. B. 83. Relating to the appointment of a Guardian Ad Litem for infants, persons of unsound mind or unknown parties, where proceeding is brought to quiet title, under the provisions of Title 7, Chapter 32, Article 2 of the Code of Alabama of 1940.

Committee on Judiciary.

By Messrs. Robison, Thagard and Clayton:

S. B. 84. To revise Article 2 of Chapter 20, Title 7 of the 1940 Code, which relates to proceedings in rem to establish title to land, by amending Sections 1116, 1117, 1118, 1121, 1122, 1123, 1126 and repealing Sections 1128 through 1130 thereof.

Committee on Judiciary.

By Mr. Smith:

S. B. 85. To provide for a scholarship program for medical education; and making an appropriation therefor.

Committee on Finance and Taxation.

By Mr. Smith:

S. B. 86. To propose an amendment to Section 264 of the Constitution of Alabama.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Smith:

S. B. 87. To amend Section 755 of Title 51 of the Code of Alabama (1940), as amended, which relates to exemptions from the sales tax.

Committee on Finance and Taxation.

By Mr. Smith:

S. B. 88. To regulate the admission in evidence in the courts in Alabama of testimony to a witness' own intent or other state of mind.

Committee on Judiciary.

By Messrs. Quarles and Boutwell:

S. B. 89. To amend Section 2 of Act No. 255, H. 313, approved June 24, 1943, entitled "An Act To Provide For The Disposition And Use Of The Profits, Including All Tax Levied upon the selling prices of all spirituous or vinous liquors, less all cost and expense of collecting said tax, of the Alabama liquor stores operated under the Alcoholic Beverage Control Board of Alabama" (Acts, 1943, pp. 226-228).

Committee on Finance and Taxation.

By Mr. Johnston (Mobile):

S. B. 90. To create a State Docks Board; providing for its membership, powers, duties, personnel, and compensation; transferring to the Board all the rights, powers, duties, authority, funds, property, books, records and effects of the Department of State Docks and Terminals and the Director of State Docks and Terminals; abolishing the Department of State Docks and Terminals, the State Docks Advisory Board and the office of Director of State Docks and Terminals; repealing Sections 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15 and 16 of Title 38 of the Code of Alabama, 1940, as amended, and all conflicting laws.

Committee on Finance and Taxation.

By Mr. Johnston (Mobile):

S. B. 91. To permit the deduction by individual income tax payers, in computing net income for income tax purposes, of certain non-trade or non-business expenses.

Committee on Finance and Taxation.

By Mr. Johnston (Mobile):

S. B. 92. To amend Section 54, Title 7, Code of Alabama (1940), relating to the venue of actions.

Committee on Judiciary.

By Mr. Johnston (Mobile):

S. B. 93. To amend Section 150 of Title 7 of the 1940 Code of Alabama.

Committee on Judiciary.

By Mr. Johnston (Mobile):

S. B. 94. To authorize the Director of Conservation to enter into agreements of reciprocity with conservation commissioners and other proper officials of other states concerning the catching or taking fish, shrimp, crabs or oysters for commercial purposes. To provide the license tax for non-resident fishermen and non-resident boats of citizens of states which have a reciprocal agreement with Alabama. To repeal Act No. 588—S. 120, 1943 General Acts of Alabama, page 594. And for other purposes.

Committee on Fish and Game.

REPORT FROM RULES

Mr. Clayton, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 2. Relative to ratifying the proposed amendment to the Constitution of the United States relating to the terms of office of the President.

And said Resolution was then adopted by the Senate.

Yeas 27; Nay 1.

Yeas:

Messrs.:	Farmer	Locke (Perry)	Robison
Andrews	Foster	McCary	Skidmore
Boutwell	High	Norrell	Sollie
Byars	Hollis	Pinson	Thagard
Clayton	Johnston (Mobile)	Quarles	Todd
Eddins	Jones	Reneau	Whatley
Fant	Locke (Chocoma)	Richardson	Wright

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Nay: Mr. Smith

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RESOLUTIONS

Mr. Andrews offered the following Senate Resolution, to-wit:

S. R. 3. Be it Resolved by the Senate of Alabama, That the Tragic death since the Special Session of January of Senate Page Ernest L. Blue is deeply mourned, and the condolences of this Body are hereby extended to his bereaved parents, relatives, and friends; and

Be it Resolved further, That the Secretary transmit a duly authenticated copy of this Resolution to the surviving parents of the deceased.

And the Rules were suspended and the Resolution adopted by the Senate.

Mr. Wright offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. WHEREAS, the band of the Alabama Institute for Deaf and Blind at Talladega is a state band of which the Legislature and the citizens of Alabama are justly proud, and

WHEREAS, the Legislature looks forward with pleasure to hearing the music of this band, and

WHEREAS, the Legislature wishes to honor the band, therefore

Be It Resolved by the Senate, the House of Representatives Concurring:

1. An invitation is hereby cordially extended to the band of the Alabama Institute for Deaf and Blind of Talladega to present a thirty minute program at a meeting of the members and officers of the two houses of the legislature on Tuesday, May 15th, 1951 at 10:45 A. M.

The Secretary of the Senate is directed to transmit a copy of this resolution to the Bandmaster of the band at the Alabama Institute for Deaf and Blind at Talladega and to release a copy of it to the press.

And on motion of Mr. Wright the Rules were suspended and the Resolution adopted by the Senate.