

Which was read first time by its title, and on motion, referred to the Committee on Judiciary.

Mr. Moragne offered the following :

Joint Resolution No. 5 :

Joint Resolution in reference to Public Lands ;

Which was read first time by its title, rule waived, read second time by its title, and, on motion, referred to the Committee on Public Lands.

The rule was waived, and Mr. Meacham offered the following :

Senate Bill No. 37 :

An Act to repeal An Act entitled An Act in relation to Persons of Color, approved January 12, 1866 ;

Which was read first time by its title, and, on motion, referred to the Committee on Judiciary.

The Committee on Corporations made the following report :

SENATE CHAMBER,
TALLAHASSEE, Fla., January 18, 1870. }

The Committee on Corporations, to whom was referred the following bills, ask leave to report that upon a careful consideration of the same, they respectfully recommend their passage, viz. :

Senate Bill No. 17, entitled An Act to authorize the Construction of a Boom across the Withlacoochee River at Drew's Mills.

Senate Bill No. 22, entitled An Act to amend An Act entitled An Act to Incorporate the Atlantic and Gulf Express Company.

JOHN A. VAUGHAN, Chairman,
JNO. L. CRAWFORD.

Which was received and read, and the accompanying bills placed among the orders of the day for to-morrow.

Mr. Moragne offered the following :

Joint Resolution No. 6 :

Be it resolved by the Senate, the Assembly concurring, That the Legislature of Florida do adjourn sine die on Tuesday, the first day of February, A. D. 1870 ;

Which was read first time.

Mr. McCaskill moved that the rule be waived and the resolution read second time by its title.

Mr. Smith moved to lay the motion on the table ;

On which the yeas and nays were called for.

The vote was :

Yeas—Messrs. Bradwell, Crane, Cruse, Pearce, and Smith—5.

Nays—Messrs. Atkins, Crawford, Ginn, Henderson, Hillyer,

Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Purman, Smithson, Underwood, Vaughan, Walls, Weeks, and Wentworth—18.

So the Senate refused to lay the motion on the table.

On motion of Mr. Meacham, the Senate adjourned till to-morrow 10 o'clock, A. M.

FRIDAY, January 21, 1870.

The Senate met pursuant to adjournment.

The President *pro tem.* in the Chair.

Prayer by the Chaplain.

The roll was called, and the following Senators were present :
Messrs. Atkins, Bradwell, Crane, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Purman, Smith, Smithson, Underwood, Vaughan, and Weeks—19.

A quorum present.

On motion of Mr. McCaskill, Mr. Crawford was excused from attendance on the Senate till Monday morning next.

On motion of Mr. Smithson, the sergeant-at-arms was excused from attendance on the Senate till Monday morning next.

On motion of Mr. Kendrick, the reading of the journal of yesterday was dispensed with.

The rule was waived, and Mr. Henderson offered the following :

Senate Bill No. 38 :

An Act authorizing the Boards of Commissioners of Pilotage to appoint Stevedores, and for other purposes ;

Which was read first time by its title, and on motion referred to the Committee on Judiciary.

Mr. McCaskill called up Senate Joint Resolution No. 6, relative to adjournment ;

Which was read second time.

Mr. Smith moved that the resolution be indefinitely postponed.

Mr. Smith withdrew his motion.

Mr. Kendrick then moved that the resolution be indefinitely postponed ;

Which was lost.

Mr. McCaskill moved that the resolution be laid on the table for the present ;

Which was agreed to.

Mr. Walls moved that the vote of the Senate just had on Mr.

McCaskill's motion be reconsidered, and that Mr. McCaskill's motion be laid on the table;

Which was lost.

Senate Joint Resolution No. 2:

Relative to printing Five Hundred Copies of the Governor's Message, together with the Reports of Comptroller and Treasurer, with Assembly amendment,

Was read first time.

The Assembly amendment concurred in, and the resolution as amended adopted.

Ordered that the same be certified to the Assembly.

Further ordered that the resolution as amended be enrolled.

The following communications from the Assembly were received:

ASSEMBLY HALL,
TALLAHASSEE, Fla., Jan. 18, 1870. }

HON. WM. H. GLEASON, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has adopted Assembly Joint Resolution No. 6, relative to Light House and Buoys at Mosquito Inlet.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
TALLAHASSEE, Fla., Jan. 19, 1870. }

HON. WM. H. GLEASON, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has adopted Assembly Joint Resolution relative to a Mail Route from Starke, in Bradford county, to Lake City, in the county of Columbia.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
TALLAHASSEE, Fla., January 20, 1870. }

HON. WM. H. GLEASON, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly Bill No. 20, to be entitled An Act for the relief of George J. Arnow, late Solicitor of the Suwannee Circuit of Florida.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
TALLAHASSEE, Fla., Jan. 21, 1870. }

HON. WM. H. GLEASON, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly Joint Resolution No. 4, proposing Amendments to the Constitution of the State of Florida, by a vote of 38 yeas to 5 nays, two-thirds of all the members elected to the Assembly having voted in the affirmative.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read, and the Assembly Joint Resolutions and Assembly Bill accompanying placed among the orders of the day for to-morrow.

The committee to whom was referred Joint Resolution No. 5, in reference to Public Lands, made the following report:

REPORT OF COMMITTEE.

Your committee, to whom has been referred Joint Resolution in reference to Public Lands, beg leave to report that they have carefully examined the same, and recommend that the same do pass.

All of which is respectfully submitted.

WM. H. KENDRICK, Chairman.

Which was received and read, and the accompanying resolution placed among the orders of the day for to-morrow.

A Special Committee made the following report:

TO THE HON. THE SENATE:

Your committee, to whom was referred a bill for An Act entitled An Act to Simplify and Abridge the Practice, Pleadings, and Proceedings of the Courts of this State, beg leave to report:

That, considering the time allowed, they have carefully and critically examined the bill, and informed themselves of the nature of the important changes sought to be accomplished by it, being in fact a thorough reform in the system of pleading and practice in the courts of justice, and they are gratified in being able to report that it has been prepared with great care, and with a practical comprehension of the subject. The course taken by the commissioner in preparing the bill must commend itself to the favor and approval of the Legislature. He has taken as a guide the Code of Practice which has been in use in the great State of New York for the last twenty-one years, and though the complex system of courts in that State have made it necessary to make important changes in the framework of that Code,

in adapting it to our system and the construction of our courts, we find that that difficult and intricate labor has been performed skilfully and thoroughly. The higher courts of New York have been presided over, during the period mentioned, by some of the ablest judges to be found in the country. When the Code of that State was projected, a storm of opposition was encountered by its friends which might well have appalled any but the stoutest and strongest of the earnest advocates of judicial reform.

The commissioners were men of great learning and experience, thoroughly schooled in the ancient systems of law and equity practice, and some of them at the outset were entirely opposed to the changes which they were required to effect; but before completing their arduous labor, a labor of years, they became entirely converted to the reform, and in their reports of their work from time to time, they found themselves obliged to combat the opposition of almost the entire bar of the State, but encountered it successfully, and in the space of a few short years it grew into such favor that a proposition to abandon it and return to the old forms would have been condemned most strenuously by its once most strenuous opponents.

The system is briefly this: The first prominent idea is to abolish the distinctive names of law and equity practice, reducing both to one system. The names of the different kinds of actions are lost in the idea of calling things by their proper names in the plainest English language. The intricate forms of pleading are abolished, and parties are required to set forth plainly and distinctly in their pleadings, the facts constituting their causes of action, and the facts relied on to make out their defenses. The technicalities which confuse and make expensive the practice of law are swept away as far as it is possible to effect that result, and in their places are substituted the solid logic of narrative and fact. Every action before the courts is to be substantially a suit in equity, and every controversy to be solved upon equitable principles, without circumlocution and without multiplicity of suits. These are some of the ends sought to be accomplished by the adoption of this Code.

The earliest and most strenuous opponents of this plan of procedure, in those States in which it has been subjected to trial, are now its most earnest advocates. So popular has it become, that out of the experiment in New York has grown a general adoption of the plan in nearly all the States of the Northwest, in Kentucky and Missouri; and not only this, but even the English bar is about to adopt it as a relief from the ancient bondage of what was once thought to be a perfect system of legal philosophy.

Much of the expressed opposition to its adoption in this State is the supposed fact, that the system being new, it will therefore be expensive, and will necessitate the purchase of large libraries of the decisions of other States in order to ascertain what the settled practice is, and what interpretations have been given to it. But this will soon be found to be an error. The practice has become so well established and settled that the whole will be found condensed within a very small compass, much less voluminous than any one of the older books of common law practice, and much less complicated than any treatise upon chancery or equity practice in existence.

While the Code does not *destroy* the law, or the leading features of equity jurisprudence, it removes the complications and obstructions to the attainment of justice.

The commissioner who prepared this Act does not claim that it is perfect, but he does claim, and with much justice, that it is so nearly perfect that very little change will be found necessary, and he believes that in the form in which it is presented, it will be found that it is adapted to the Constitution and the general statutes of the State, and that there is no insurmountable obstacle to a perfect conformity to them.

It is proposed to provide for the taking effect of this bill at a time so remote that every one may become thoroughly acquainted with it before it will go into operation, and that no difficulty will be encountered by any lawyer in comprehending or putting it into practice.

The commissioner has prepared and attached to the Code suitable forms for all the proceedings under the Code, which should be published in the same volume, as a matter of convenience.

JOHN A. HENDERSON,
W. J. PURMAN.

Which was received and read, and the accompanying bill placed among the orders of the day.

On motion of Mr. Smith, the rule was waived, and Senate Bill No. 1, An Act to Simplify and Abridge the Practice, Pleadings, and Proceedings of the Courts of this State, was read second time by its title and placed among the orders of the day for to-morrow.

The Committee on Corporations made the following reports:

SENATE CHAMBER,
TALLAHASSEE, Fla., January 20, 1870. }

Your committee to whom was referred Senate Bill No. 29, entitled An Act in relation to the Santa Fe River, ask leave to report that they have examined the same, and recommend that it do pass.

JOHN A. VAUGHAN, Chairman,
JOHN L. CRAWFORD.

SENATE CHAMBER,

TALLAHASSEE, Fla., January 20, 1870.

The committee to whom was referred Senate Bill No. 28, entitled An Act to Incorporate the Town of Newnansville, ask leave to report that they have examined the same, and recommend that it do pass.

JOHN A. VAUGHAN, Chairman,
JOHN L. CRAWFORD.

Which were received and read, and the accompanying bills placed among the orders of the day for to-morrow.

Mr. Henderson moved that the Committee on Militia, to whom was referred Assembly Bill No. 2, An Act to repeal An Act the better to procure and secure Protection to Life, Liberty, and Property in the State of Florida, approved August 6, 1868, have further time, till Monday next, to report on said bill;

Which was agreed to.

ORDERS OF THE DAY

Assembly substitute to Senate Joint Resolution relative to appointing a Joint Committee of Investigation relative to the charges of fraud and mutilation of Senate Bill entitled An Act to Perfect the Public Works of the State,

Was read and adopted.

Ordered that the same be certified to the Assembly.

Further ordered that the same be enrolled.

The Senate resumed the consideration of Senate Bill No. 2:

An Act to alter and amend An Act entitled An Act to Perfect the Public Works of the State, approved June 24, 1869.

Mr. McCaskill offered the following resolution:

WHEREAS, It is evident that a bill to be entitled An Act to perfect the Public Works of the State, approved June 24, 1869. was tampered with and changed in one of its most essential features; AND WHEREAS, a Joint Committee has been appointed with full power to investigate and report upon said tampering and change,

Therefore, be it resolved by the Senate and Assembly, That no further action be taken in the interest of the corporators of said bill until after a full, free and thorough investigation of the above described bill, and the charges connected therewith be reported upon by said committee.

Mr. Purman moved that the resolution be laid on the table.

On which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crane, Cruse, Ginn, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Pearce, Purman, Smith, Smithson, Underwood, Vaughan, and Walls—17.

Nays—Messrs. Henderson, McCaskill, and Weeks—3.
So the resolution was laid on the table.

Mr. Henderson moved that the Senate do now adjourn till 4 o'clock, P. M.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Atkins, Crane, Ginn, Henderson, Katzenberg, McCaskill, and Weeks—7.

Nays—Messrs. Bradwell, Cruse, Hillyer, Kendrick, Krimminger, Meacham, Pearce, Purman, Smith, Smithson, Underwood, Vaughan and Walls—13.

So the Senate refused to adjourn.

Mr. McCaskill moved that the further consideration of Senate Bill No. 2, be postponed till 10½ o'clock, Monday morning.

On motion of Mr. Pearce, the Senate adjourned till 4 o'clock, P. M., to-day.

FOUR O'CLOCK P. M.

The Senate resumed its session.

The President pro tem. in the chair.

A quorum present.

The rule was waived, and Mr. Hillyer introduced the following :

Senate Bill No. 39 :

An Act to define the Jurisdiction of the County Courts of this State ;

Which was read the first time by its title, and, on motion, referred to the Committee on Judiciary.

The Senate resumed the consideration of Senate Bill No. 2 :

An Act to alter and amend An Act entitled An Act to Perfect the Public Works of the State, approved June 24, 1869.

Mr. Purman moved to amend Section 3 of said bill, line 21, by inserting after the word "auction," the following :

"After having first given ninety days' notice by public advertisement in at least one newspaper published in each of the following places, to wit: The City of New York, in the State of New York; the City of Savannah, in the State of Georgia, and the City of Tallahassee, in the State of Florida ;"

Which was adopted.

Mr. Henderson moved to amend same section: After the word "said," in line 45, insert the words "that any such sale shall be ratified by the Legislature before the same shall become effective."

Which was adopted.

Mr. Meacham moved to amend Section 4 of said bill, by striking out the word "twenty," in 4th line, and insert the word "sixteen;"

Which was agreed to.

Mr. Henderson moved to amend Section 4 of said bill, by inserting after the word "Jacksonville," in 8th line, the words, "nor upon any part of said road until the same shall have been disencumbered of all prior liens."

Mr. Smith moved as a substitute to Mr. Henderson's amendment, the following, viz.:

After the word "Jacksonville," in 8th line, insert the words, "provided, the said railroad company or companies shall not issue first mortgage bonds to a greater amount than sixteen thousand dollars per mile;"

On which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crane, Cruse, Ginn, Kendrick, Krimminger, Meacham, Moragne, Pearce, Purman, Smith, Underwood, Vaughan, and Walls—15.

Nays—Messrs. Henderson, Hillyer, Katzenberg, McCaskill, Smithson, and Weeks—6.

So the substitute offered by Mr. Smith was adopted.

Mr. Henderson moved to amend Section 4 of said bill: In line 3, after the word "president," insert the words "and directors."

Mr. Smith moved to lay the amendment proposed by Mr. Henderson on the table;

On which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Crane, Cruse, Kendrick, Krimminger, Meacham, Pearce, Purman, Smith, Underwood, Vaughan, and Walls—12.

Nays—Messrs. Atkins, Ginn, Henderson, Hillyer, Katzenberg, Moragne, McCaskill, Smithson, and Weeks—9.

So the amendment proposed by Mr. Henderson was laid on the table.

Mr. Smith moved to amend Section 6 of the bill, by inserting after the word "of," in 7th line, the word "July," and the figure "1870" instead of "1871;"

Which was adopted.

Mr. Henderson moved to amend Section 6 of said bill, by adding after the word "act," in line 8th, the words, "and upon failure in either of these provisions all exclusive rights hereby granted shall be forfeited."

Mr. Purman moved to lay the amendment on the table;

On which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Crane, Cruse, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Pearce, Purman, Smith, Underwood, Vaughan, and Walls—14.

Nays—Messrs. Atkins, Ginn, Henderson, Moragne, McCaskill, Smithson, and Weeks—7.

The amendment was laid on the table.

Mr. McCaskill moved to amend section 6 of said bill by inserting the word "five" in lieu of the word "three" in line 8; and in same line, after the word "act," insert the words "otherwise all chartered rights vested in this act shall be forfeited to the State;"

Which was adopted.

On the adoption of section 7, the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Crane, Cruse, Kendrick, Krimminger, Meacham, Moragne, Pearce, Purman, Smith, Underwood, Vaughan, and Walls—13.

Nays—Messrs. Atkins, Ginn, Henderson, Hillyer, Katzenberg, McCaskill, Smithson, and Weeks—8.

So section 7 of said bill was adopted.

Mr. Smith moved as amendment to said bill the following, to be numbered as section 8 of said bill:

SECTION 8. It shall not be lawful for any railroad corporations in this State to connect tracks east of the Chattahoochee river, or to continue a connection of tracks, with a railroad existing under the charter of any other State, without the express authority of the State, and the assent of all other railroad companies of the State, running and operating any part of the lines of railroad constructed under the provisions of the Act, approved January 6, 1855, entitled An Act to provide for and encourage a Liberal System of Internal Improvements in this State, and which shall agree to pay into the State Treasury, for the use of a State University, one fortieth part of the net earnings of such road, after discharging the expenses of operating the same, including interest upon their bonded debt, which obligation shall be secured to the State by a resolution of the stockholders at a general meeting, accepting this section as a part of their charter, and as constituting a contract between the State and the said company; *Provided, however,* That nothing herein contained shall be construed to violate any rights already vested in any corporation of this State.

The following communications from the Assembly were received:

ASSEMBLY HALL,
TALLAHASSEE, Fla., January 21, 1870. }

HON. WM. H. GLEASON, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has this day passed Senate Bill No. 7, to be entitled An Act to Incorporate the East Florida Land Company.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
TALLAHASSEE, Fla., Jan. 21, 1870. }

HON. WM. H. GLEASON, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has this day passed Assembly Bill No. 17, to be entitled An Act to fix the boundary line of Volusia County.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read, and Senate Bill No. 7, accompanying, ordered to be enrolled, and also Assembly Bill No. 17 placed among the orders of the day for to-morrow.

On motion of Mr. Kendrick, the Senate adjourned till to-morrow morning 10 o'clock.

SATURDAY, January 22, 1870.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

Prayer by the Chaplain.

The roll was called, and the following Senators were present:

Mr. President, *pro tem.*, Messrs. Atkins, Bradwell, Crane, Cruse, Ginn, Henderson, Katzenberg, Kendrick, Krimminger, Meacham, McCaskill, Pearce, Smith, Smithson, Underwood, Vaughan, Walls, and Weeks—19.

A quorum present.

On motion of Mr. Underwood, the reading of yesterday's journal was dispensed with.

The rule was waived, and Mr. Weeks offered the following:

Memorial in reference to a Mail Route from Lake City to Waldo;

Which was read first time by its title.

The rule was waived, the memorial read second and third times and adopted.

Ordered that the same be certified to the Assembly.

The rule was waived, and Mr. Bradwell offered the following:

Memorial for the Relief of Edward Hopkins;

Which was read first time by its title.

Rule waived, read second and third times, and adopted.

Ordered that the same be certified to the Assembly.

The rule was waived, and Mr. Underwood offered the following:

Senate Bill No. 40:

An Act for the Benefit and Relief of the Citizens of Brevard County;

Which was read first time by its title, and on motion referred to the Committee on Judiciary.

The rule was waived, and Mr. Smith offered the following:

Senate Bill No. 41:

An Act in relation to Drugs and Medicines, Druggists or Apothecaries in Incorporated Cities or Towns in this State.

Which was read first time by its title, rule waived, read second time, and the bill placed among the orders of the day for Monday next.

The rule was waived, and Mr. Smith offered the following:

Senate Bill No. 42:

An Act for the relief of Claiborne Bevill;

Which was read first time, rule waived, read second and third times, and put upon its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crane, Cruse, Ginn, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Underwood, Vaughan, Walls and Weeks—20.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

ORDERS OF THE DAY.

The Senate resumed consideration of Senate Bill No. 2.

Mr. Smith withdrew the amendment to said bill offered by him on yesterday, to be numbered as Section 8 of said bill.

Mr. Henderson moved to strike out Section 8 of said bill.

Mr. Smith moved to lay the motion on the table,

On which the yeas and nays were called for.