

SENATE CHAMBER,
Tallahassee, Feb. 17th, 1870. }

TO THE SENATE :

Your committee ask leave to report that they have examined the following bills submitted to them and find them correctly enrolled, viz:

Senate substitute for Senate Bill No. 51: An Act for fixing the times of holding the County Court of the several counties in this State.

Senate bill No. 33: An Act granting equal privileges on Public Conveyances.

An Act to incorporate the Escambia Navigation Company.

An Act to simplify and abridge the practice, pleadings and proceedings of the Courts of this State.

Respectfully submitted,

S. KATZENBERG, Chm'n.
J. A. ATKINS,
G. B. SMITHSON,
J. N. KRIMMINGER,
ROB'T M. SMITH,

Which was read.

The following communications were received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 17, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Senate bill No. 48, to be entitled an act to establish lost Comptroller's Warrants and Treasurer's Certificates.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 17, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has adopted Assembly joint resolution No. 24, to provide for the due reference and publication of amendments to the State Constitution, proposed and agreed to at the present session of the Legislature.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read, and the accompanying Senate bill No. 48.

ordered to be enrolled, and Assembly joint resolution No. 24 placed among the orders of the day.

Mr. Purman offered the following amendment to Senate bill No. 116:

For the Governor, as contingent fund, ten thousand dollars.

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

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Cruse, Hillyer, Purman and Wentworth—4.

Nay—Mr. Bradwell—1.

There being no quorum present, on motion, the Senate adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, February 18, 1870.

The Senate met pursuant to adjournment.

The Lieutenant Governor in the chair.

Prayer by the Chaplain.

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

Messrs. Atkins, Bradwell, Cruse, Henderson, Katzenberg, Pearce, Smith, Smithson, Underwood, Walls and Weeks—11.

The President announced that there was no quorum.

The Sergeant-at-Arms was ordered to go for the absent Senators.

The President announced there was a quorum.

On motion of Mr. Bradwell, the reading of yesterday's journal was dispensed with, and the journal approved.

ORDERS OF THE DAY.

Assembly substitute to Senate Bill No. 91:

An act to amend an act entitled An act for the regulation of Pilots and Pilotage,

Was read.

Mr. Wentworth moved that the substitute to the bill be adopted.

Upon the question Shall the substitute be adopted? the vote was:

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Meacham, Pearce, Purman, Smith, Underwood and Weeks—14.

Nays—Messrs. Smithson and Walls—2.

So the Assembly substitute to Senate Bill No. 91 was adopted.

Ordered that the same be certified to the Assembly.

Assembly Bill No. 74:

An act to incorporate the Tampa, Hillsborough and Charlotte Bay Navigation Company,

Which was read third time yesterday,

Came up on its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Pearce, Purman, Smithson, Walls, Weeks and Wentworth—16.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Assembly Bill No. 97:

An act to make Appropriations for the payment of Members, Officers, Attaches and other Expenses of the Legislature, at its regular Session begun and held January 4, 1870,

Was read first time by its title, rule waived, and read second time.

Mr. Wentworth offered the following amendment:

In line 10, page 1 of the bill, strike out the words "twenty-one dollars fifty cents," and insert the words "fifty dollars;"

Which was adopted.

Mr. Hillyer offered the following amendment:

On page 3, line 20, strike out the words "fifty dollars," and insert the words "one hundred fifty-seven dollars, eighty cents;"

Which was adopted.

Mr. Wentworth offered the following amendment:

On page 3, line 26, strike out the words "sixty dollars," and insert the words "one hundred fifty-seven dollars, eighty cents;"

Which was adopted.

Mr. Wentworth moved to amend by striking out on page 7, line 5, the words "twenty-six," and insert the words "one hundred fifty-seven dollars;"

Which was adopted.

Mr. Wentworth offered the following amendment:

Strike out on page 3, line 20, the word "fifty," and insert the words "one hundred fifty-seven;"

Which was adopted.

Mr. Pearce moved to amend by striking out on page 9, line 20, after the word "diem," the word "three," and insert the word "five," and insert after the word "days" the words "two hundred and thirty dollars;"

Which was adopted.

Mr. Pearce moved to amend by striking out on page 11, line 18, the word "three," and insert the word "five," and after the

word "days" insert the words "two hundred and thirty dollars;"

Which was adopted.

Mr. Purman moved to amend by striking out on page 11, line 26, the word "four," and insert the word "eight," and after the word "days" insert the words "three hundred and sixty-eight;"

Which was adopted.

Mr. Purman moved to amend by striking out on page 11, line 3, the words "eighty dollars;"

Which was agreed to.

Mr. Purman moved to strike out on page 12, line 6, the words "sixty dollars;"

Which was agreed to.

Mr. Hillyer moved to amend by striking out on page 12, in lines 11 and 12, the words "four hundred and fifty dollars," and insert the words "seven hundred and ninety-five dollars, fifty cents;"

Which was adopted.

Mr. Purman moved to amend by striking out on page 12, line 21, the words "fourteen thousand," and insert the words "sixteen thousand;"

Which was adopted.

Mr. Hillyer offered the following amendment to the bill:

For salaries of Executive Department, thirty-one thousand five hundred dollars; salaries of Justices of the Supreme Court and Judges of the Circuit Courts, thirty-seven thousand dollars; contingent expenses of Supreme Court, one thousand dollars; contingent expenses of Circuit Courts, two thousand dollars; pay of jurors and witnesses, twenty thousand dollars; contingent fund for State, fifteen thousand dollars; criminal prosecutions, twenty-five thousand dollars; *post mortem* examinations, two thousand dollars; maintenance of lunatics, three thousand dollars; general printing, advertising and publishing, to be audited by the Comptroller, twenty-five thousand dollars; expenses of penitentiary, thirty thousand dollars; pay of State's attorneys, ten thousand dollars; claims that may be allowed by the Legislature, six thousand dollars; printing Digest of the laws and Code of Practice, ten thousand dollars; printing the laws of present session of the Legislature, excepting the Code, five thousand dollars; for militia, when called into actual service, ten thousand dollars; for clerk of the Supreme Court as librarian, three hundred dollars; for pay of county judges, five thousand dollars; for repairs of Capitol, five thousand dollars, to be expended under direction of the Adjutant-General, as well as all unexpended appropriation for that purpose; G. W. Driggs, for service as clerk to the Secretary of State, fifteen hundred dol-

lars; Commissioner of Immigration, for agencies outside of the State, one thousand dollars; to William H. Gleason, for expenses incurred in defending prosecution of the State, four thousand dollars; to Robert M. Smith, for preparing Code, one thousand dollars; to John Q. Dickinson, for Alabama commissioners, six hundred dollars; contingent fund for Governor, ten thousand dollars; to the Secretary of the Senate, for enrolling the Code and other extra enrolling, six hundred and fifty dollars; to the Secretary of the Senate, for recording Senate journal, five hundred dollars; to Henry Hazen, for services as clerk to the Judiciary Committee, three hundred and sixty dollars; to James J. Yokum, for furnishing and ruling enrolling paper, twenty-eight dollars; to Harrison Reed, Governor, for expenses incurred in defence against impeachment for two sessions, five thousand dollars.

Mr. Purman offered the following amendment to the amendment:

To the Secretary of the Senate, for enrolling the Code and other extra enrolling, six hundred and fifty dollars;

Which was adopted.

Mr. Purman offered the following amendment to the amendment:

To the Secretary of the Senate, for recording Senate journal, five hundred dollars;

Which was adopted.

Mr. Purman offered the following amendment to the amendment:

To Henry Hazen, for services as clerk to the Judiciary Committee, three hundred and sixty dollars;

Which was adopted.

Mr. Katzenberg offered the following amendment to the amendment:

To James J. Yokum, for furnishing and ruling enrolling paper, twenty-eight dollars;

Which was adopted.

Mr. Purman offered the following amendment to the amendment:

To Harrison Reed, Governor, for expenses incurred against impeachment, for two sessions, five thousand dollars;

Which was adopted.

Upon the question, shall the amendment proposed by Mr. Hillyer be adopted, the vote was:

Yeas—Messrs. Bradwell, Crane, Cruse, Hillyer, Meacham, Pearce, Purman, Underwood and Wentworth—9.

Nays—Messrs. Atkins, Ginn, Henderson, Katzenberg, Kendrick, McCaskill, Smithson, Walls and Weeks—9.

There being a tie vote, the President cast his vote aye.

So the amendment was adopted.

The rule was waived, and the bill as amended read the third time.

By unanimous consent, Mr. Wentworth offered the following amendment:

After the name of S. L. Tibbitts, strike out the words "three hundred and seventy-seven" and insert the words "four hundred and fifty;"

Which was adopted.

Upon the question, shall the bill pass, the vote was:

Yeas—Messrs. Bradwell, Crane, Cruse, Meacham, Pearce, Purman, Underwood, Walls and Wentworth—9.

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

So the bill passed as amended, title as stated.

Ordered that the same be certified to the Assembly.

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

Resolved, That the resolution adopted for adjournment on the 18th be and the same is hereby rescinded.

Mr. Wentworth moved that the resolution be laid on the table;

Which was agreed to.

The following communications were received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 17, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed by a two-thirds vote the following acts, the veto of his Excellency the Governor to the contrary notwithstanding:

An act further defining the duties of Cabinet officers.

An act to enable Silas C. Barker, Captain of the State Penitentiary, to receive his salary.

And refuse to pass an act to incorporate the Santa Fee River Navigation Company, thereby sustaining the veto of his Excellency the Governor.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 17, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that

the Assembly has appointed Messrs. Walker of Leon, Moore of Columbia, and Raney of Franklin, as a committee of conference on the part of the Assembly, relative to disagreement of the Senate and Assembly upon amendments to Assembly bill No. 3, to be entitled an act for the pay of State Attorneys and County Judges, approved Feb. 1, 1869.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,

Tallahassee, Fla., Feb. 17, 1870. }

Hon. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to request the Senate to return to the Assembly for further consideration Senate bill No. 113, to be entitled an act relating to the Agricultural Land Scrip.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,

Tallahassee, Fla., Feb. 17, 1870. }

Hon. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly bill No. 86, to be entitled an act to provide for the assessment and collection of taxes.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,

Tallahassee, Fla., Feb. 18, 1870. }

Hon. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly bill No. 96, to be entitled an act to incorporate the Holmes Creek Navigation Company;

And refused to pass Senate bill No. 64, to be entitled an act to incorporate the Inland and Steinhatchie Railroad Company.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read, and the accompanying Senate bill No. 113 returned to the Assembly and Assembly bills Nos. 86 and 96 placed among the orders of the day.

A committee from the Assembly appeared at the bar of the Senate and made the following report:

MR. PRESIDENT:

In obedience to the order of the Assembly, we appear before you, and in the name of the Assembly and of all the people of the State of Florida, we do impeach James T. Magbee, Judge of the Circuit Court Sixth (6th) Judicial Circuit of Florida, of high crimes and misdemeanors, malfeasance and incompetency in office. And we further inform the Senate, that the Assembly will in due time exhibit particular articles of impeachment against him, and make good the same, and in their name we demand that the Senate take order for the appearance of the said James T. Magbee, to answer said impeachment.

Assembly joint resolution to provide for payment of printing to C. E. Dyke,

Was read the first and second times by its title, rule waived, read the third time, and put upon its passage.

The vote was:

Yeas—Messrs. Bradwell, Crane, Cruse, Ginn, Henderson, Katzenberg, Krimminger, Meacham, McCaskill, Purman, Smithson, Underwood, Weeks and Wentworth—14.

Nays—Mr. Walls—1.

So the resolution passed.

Ordered that the same be certified to the Assembly.

On motion of Mr. Wentworth, the Senate went into executive session at 1 o'clock, P. M.

The following executive nominations were confirmed:

E. R. Payne to be Sheriff of Escambia county.

Harry C. Campbell to be Harbor Master at Pensacola.

Leonard G. Dennis to be Collector of Taxes for Alachua county.

Lyman W. Rowley to be Captain of the Penitentiary.

Wm. F. Robertson to be Lieutenant and Quartermaster for the Penitentiary.

Wm. W. Moore to be Collector of Revenue for Columbia county.

Auburn Erwin to be Assessor of Taxes for Columbia county.

Charles D. Lincoln to be Clerk of Court for St. Johns county.

W. W. J. Kelly to be Commissioner of Pilotage for Escambia county.

John C. Gambia to be Assessor of Taxes for Madison county.

On motion, the doors were opened, and the Senate adjourned until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

The Senate met in accordance with adjournment. A quorum present.

The following message was received from the Governor:

EXECUTIVE OFFICE,
Tallahassee, Fla., Feb. 18, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate, *pro tem.*

SIR: I herewith return without my approval, the bill entitled an act to incorporate the Island City Hotel Company, as in violation of the Constitution in regard to special legislation, and for the reason that the general law now in force is sufficient for such associations.

Very Respectfully,
HARRISON REED, Governor.

Which was read.

Upon the question, shall the bill pass, the veto of his Excellency, notwithstanding?

The vote was,

Yeas—None.

Nays—Messrs. Atkins, Bradwell, Ginn, Henderson, Katzenberg, Meacham, McCaskill, Pearce, Smith, Smithson, Weeks and Wentworth—12.

The veto of the Governor was sustained.

The Committee on Enrolled Bills made the following report:

SENATE CHAMBER,
Tallahassee, Fla. Feb. 18, 1870. }

TO THE SENATE:

Your committee ask leave to report that they have examined the following Bills submitted to them, and find them correctly enrolled, viz:

Senate Bill No. 108, an act to incorporate the Great Southern Railway Company and to perfect one of the Public Works of the State.

Senate Bill No. 27, an act to incorporate the Pensacola Wharf Company.

Senate Bill No. 79, an act to provide for shipping masters in this State.

Senate Bill No. 48, an act to establish Comptroller's lost warrants and Treasurer's certificates.

An act to incorporate the Tallahassee City Gas Company.

An act to incorporate the Tallahassee City Hotel Company.

Respectfully submitted,

S. KATZENBERG, Chm'n.

G. B. SMITHSON.

J. A. ATKINS.

J. N. KRIMMINGEE.

Which was read.

Mr. Meacham offered the following resolution:

Resolved, That the Senate of the State of Florida will organize itself into a Court of Impeachment at its next regular session

for the trial of the case of impeachment this day presented by a committee of the House of Representatives of the State of Florida, wherein, "in the name of the Assembly, and of all the People of the State of Florida, they did impeach James T. Magbee, Judge of the Circuit Court of the Sixth Judicial Circuit of Florida, of high crimes and misdemeanors, malfeasance and incompetency in office," and that a committee of this Senate be appointed to inform the House of Representatives of the action of this Senate.

Which was read and adopted.

The President appointed the following Senators as such committee: Messrs. Meacham, Wentworth and Henderson.

After a brief absence, the committee returned, reported they had performed their duty and asked to be discharged.

Which was agreed to and the committee discharged.

Assembly Joint Resolution No. 24, to provide for the due reference and publication of amendments to the State Constitution proposed and agreed to at the present session of the Legislature,

Was read the first and second times by its title, rule waived, read third time and put upon its passage.

The vote was:

Yeas—Messrs. Bradwell, Ginn, Henderson, Katzenberg, Krimminger, Meacham, McCaskill, Pearce, Smithson, Walls and Wentworth.—11.

Nays—None.

There was no quorum.

Mr. McCaskill moved the call of the Senate;

Which was agreed to.

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

Messrs. Atkins, Bradwell, Ginn, Henderson, Katzenberg, Krimminger, Meacham, McCaskill, Pearce, Smithson, Weeks and Wentworth—12.

The Sergeant at Arms was despatched for the absent members.

On motion of Mr. Meacham, the further call of the Senate was dispensed with.

Assembly Bill No. 96, an act to incorporate the Holmes Creek Navigation Company,

Was read the first time by its title, rule waived and read the second time.

Mr. Walls moved to strike out the word "twenty" in section two, and insert the word "ten";

Which was adopted.

The rules were waived, the bill read third time and put upon its passage.

The vote was :

Yeas—Messrs. Atkins, Bradwell, Ginn, Henderson, Katzenberger, Kendrick, Krimminger, Meacham, McCaskill, Pearce, Purman, Smithson, Walls, Weeks and Wentworth—15.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The vote was taken upon Assembly Joint Resolution, No. 24.

The following was the result :

Yeas—Messrs. Atkins, Bradwell, Ginn, Henderson, Katzenberger, Kendrick, Meacham, McCaskill, Pearce, Purman, Smith, Smithson, Walls, Weeks and Wentworth—15.

Nays—None.

The Resolution was adopted,

Ordered that the same be certified to the Assembly.

The rules were waived, and Mr. Henderson offered the following :

Senate Bill, No. 117, an act in addition to an act to provide for the organization of a Bureau of Immigration ;

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

The vote was :

Yeas—Messrs. Atkins, Bradwell, Ginn, Henderson, Katzenberger, Meacham, Pearce, Purman, Smith, Smithson, Walls, Weeks and Wentworth—13.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 54 :

An act to regulate judicial proceedings in certain cases,

Was read the first time by its title, rule waived, read second time, and, on motion, referred to the Committee on Judiciary.

Assembly bill No. 70 :

An act for the relief of Gadsden county,

Was read the first time by its title, rule waived, read second and third times, and put upon its passage.

The vote was :

Yeas—Messrs. Bradwell, Ginn, Henderson, Katzenberg, Kendrick, Meacham, Pearce, Purman, Walls, Weeks and Wentworth—11.

Nays—Messrs. Atkins and Smithson—2.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The following communication was received from the Assembly :

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 18, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate :

SIR : I am directed by the Assembly to inform the Senate that the Assembly has passed Senate bill No. 105, to be entitled an act supplementary to an act to alter and amend an act to incorporate the Pensacola and Barrancas Railroad Company, passed at the present session of the General Assembly.

Also, Assembly bill No. 77, to be entitled an act to amend an act entitled an act to establish a State Penitentiary.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which was read, and the accompanying Senate bill No. 105 ordered to be enrolled, and Assembly bill No. 77 placed among the orders of the day.

Also the following :

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 18, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate :

SIR : I am directed by the Assembly to inform the Senate that the Assembly has indefinitely postponed Senate bill No. 77, to be entitled an act to incorporate the Town of Starke in the county of Bradford.

Also, Senate bill No. 63, to be entitled an act to protect the people of this State, and to require Foreign Corporations to give security prior to doing business in this State.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which was read.

Mr. Purman moved that the Senate reconsider the vote had on the motion of this day relative to the adjournment of the Legislature on Friday, the 18th inst.

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

Upon which the yeas and nays were called for.

The vote was :

Yeas—Messrs. Atkins, Ginn, Henderson, Katzenberg, Kendrick, Meacham, Smithson, Weeks and Wentworth—9.

Nays—Messrs. Bradwell, Pearce, Purman and Walls—4.

So the motion was laid on the table.

The rule was waived, and Mr. Purman offered the following :
Senate joint resolution No. 18 :

Relative to the struggle for independence in Cuba ;

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

The vote was:

Yeas—Messrs. Bradwell, Cruse, Henderson, Kendrick, Krimminger, Meacham, Purman, Smith, Smithson and Wentworth—10.

Nays—Messrs. Atkins, Ginn and Walls—3.

So the resolution was adopted.

Ordered that the same be certified to the Assembly.

The rule was waived, and Mr. Kendrick offered a concurrent resolution for the pay of J. W. Thurman;

Which was adopted.

Ordered that the same be certified to the Assembly.

On motion of Mr. Purman, the Senate went into executive session at 5½ o'clock, P. M.

The Senate advised and consented unto the following nominations:

John S. Banks to be Assessor of Taxes for Alachua county vice R. W. Grissom, removed for incompetency and failure to make proper returns.

Robert C. Parton to be Assessor of Taxes for Orange county vice D. W. Mizell, resigned.

Sturgis B. Baldwin to be Assessor of Taxes for Jefferson county.

On motion of Mr. Wentworth, the doors were opened, and the Senate adjourned until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

The Senate resumed its session.

The Lieutenant-Governor in the chair.

The roll was called, and the following Senators were present: Messrs. Atkins, Bradwell, Hillyer, Katzenberg, Krimminger, Meacham, Pearce, Purman, Smithson, Underwood, Walls, Weeks and Wentworth—13.

A quorum present.

Mr. Wentworth offered the following resolution:

Resolved, That a committee of three be appointed by the Chair to proceed to the bar of the Assembly, and request the return to this body of Senate Bill No. 113, which was sent to the Assembly without the consent of the Senate;

Which was adopted.

The President appointed as such committee Messrs. Purman, Wentworth and Atkins.

The committee retired, and after a brief absence returned and

reported that they had performed their duty, and asked to be discharged;

Which was granted.

The rule was waived, and Assembly bill No. 86, an act to provide for the assessment and collection of taxes,

Was read first time.

During the first reading of the bill, Mr. Underwood moved that further consideration of the bill be postponed.

Mr. Wentworth 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, Hillyer, Meacham, Pearce, Purman, Walls and Wentworth—9.

Nays—Messrs. Atkins, Henderson, Katzenberg, Kendrick, Smithson, Underwood and Weeks—7.

So the motion was laid on the table.

Mr. Smithson moved that the bill be printed.

Mr. Cruse 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, Hillyer, Meacham, Pearce, Purman, Underwood, Walls and Wentworth—10.

Nays—Messrs. Atkins, Henderson, Katzenberg, Kendrick, Smithson and Weeks—6.

The motion was laid on the table.

The Senate resumed the first reading of the bill.

While the bill was being read, a committee from the Assembly appeared at the bar of the Senate, and presented the following articles of impeachment against James T. Magbee, Judge of the Sixth Judicial Circuit of the State of Florida:

HEAD NOTES.

In the matter of the contempt of Court and fine against Wm. B. Henderson, Fall Term, 1868, Circuit Court Hillsboro' County.

WITNESSES—C. R. Mobley, J. A. Henderson and Mathew P. Lyons, Tampa.

In the matter of the attempt to influence the Clerk of Court for Hillsboro' County to pack the Jury for the Fall Term, 1869.

WITNESS—Mathew P. Lyons, Tampa.

In the matter of packing the Jury in Hernando County,
Fall Term of 1869.

WITNESS—John A. Henderson, Tampa.

In the matter of Irene Jenkins, Fall Term, 1869.

WITNESSES—C. R. Mobley and H. L. Mitchell, Tampa,
Jas. D. Green, Alafia.

In the matter of John A. D. Branch, stricken from Grand
Jury, Fall Term, 1869, Hillsboro' County.

WITNESSES—Mathew P. Lyons and H. L. Mitchell, Tampa.

In the matter of Isaac Chandler, refusing to release under
affidavit of insolvency.

WITNESSES—Peter Crusoe and W. C. Maloney, jr., Key
West.

In the matter of Pipes, Tobacco, etc., charged on account
of "Court Expenses," in Hernando County, Fall Term,
1869.

WITNESSES—H. L. Mitchell, Tampa, W. W. Wall, Brooks-
ville.

REPORT:

The committee to whom was intrusted the preparation of
Articles of Impeachment against James T. Magbee, Judge
of the Circuit Court of the Sixth Judicial Circuit of the
State of Florida, beg leave to report the following:

JAS. D. GREEN.
D. L. MCKINNON.
S. WALKER.

Articles of Impeachment exhibited by the Assembly of
the State of Florida in the name of themselves and all the
people of the State of Florida, against James T. Magbee,
Judge of the Circuit Court of the Sixth Judicial Circuit of
the State of Florida, in maintainance and support of their
Impeachment against him for high crimes and misdemean-
ors, malfeasance and incompetency in office:

ARTICLE I.

That said James T. Magbee, Judge of the Circuit Court
of the Sixth Judicial Circuit of the State of Florida, at the
Fall Term of the Circuit Court, then holding in the city of
Tampa, county of Hillsborough, in the year 1868, unlawfully
did cause one William B. Henderson to come into said
Court, and then and there unlawfully, in his official capacity
as Judge, did impose a fine of one hundred dollars upon the
said William B. Henderson, under a pretext that the said
William B. Henderson had been guilty of a "contempt" in
having written and published an article criticising a speech
made and delivered by the said James T. Magbee, whereas,
in truth, the said William B. Henderson, having written and
published said article when the said Circuit Court for said
county and State was not in session, was not guilty of any
"contempt;" and in unlawfully detaining and imprisoning
the said William B. Henderson until the fine so unlawfully
imposed was paid, whereby the said James T. Magbee, Judge
of the Circuit Court of the Sixth Judicial Circuit of Florida,
did then and there commit, and was guilty of a high crime
in office, and other wrongs then and there did, contrary to
the form of the statute in such case made and provided, and
against the peace and dignity of the State of Florida.

ARTICLE II.

That James T. Magbee, Judge of the Circuit Court of the
Sixth Judicial Circuit of the State of Florida, at the Fall
Term, A. D. 1869, of the Circuit Court, then holding in the
town of Brooksville, county of Hernando, State of Florida,
unlawfully did remove two Grand Jurors from the panel of
Grand Jurors regularly drawn, for said Term of the Circuit
Court in and for said county, and did cause the names of
two petit Jurors, drawn on the regular panel of petit Jurors
for the same Term of said Circuit Court, to be placed upon
the panel of Grand Jurors in their stead, and other wrongs
then and there did, contrary to the form of the statute in
such case made and provided, and against the peace and
dignity of the State of Florida, whereby the said James T.
Magbee was guilty of a misdemeanor in office.

ARTICLE III.

That James T. Magbee, Judge of the Circuit Court of the

Sixth Judicial Circuit of the State of Florida, a short time previous to the drawing of grand and petit jurors for the fall term, 1869, of the Circuit Court in and for the county of Hillsborough, unlawfully did attempt to induce and influence Mathew P. Lyons, Clerk of the said Circuit Court, in the city of Tampa, county and State aforesaid, to be guilty of a fraud in drawing the grand and petit jurors for said fall term of Court in this: That the said Lyons should not place the names of certain jurors, if drawn, upon the jury list; and that he should place the names of certain other persons upon the jury list, whether drawn or not, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Florida; whereby James T. Magbee, Judge as aforesaid, was guilty of a misdemeanor in office.

ARTICLE IV.

That James T. Magbee, Judge of the Circuit Court of the Sixth Judicial Circuit of Florida, at the fall term of the Circuit Court, A. D. 1869, then holding in Brooksville, Hernando county, Florida, did purchase sundry pipes, tobacco, envelopes, stamps, and other articles of great value, from Messrs. Eddington & Walls, for his own private use, and unlawfully and corruptly did cause the said articles, to-wit: pipes, tobacco, envelopes, stamps, and other articles, to be charged as "stationery" in an account rendered by Messrs. Eddington & Walls against the State of Florida, which said account the said James T. Magbee, Judge as aforesaid, did corruptly approve officially, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Florida; whereby the said Jas. T. Magbee, Judge as aforesaid, was guilty of a misdemeanor in office.

ARTICLE V.

That James T. Magbee, Judge of the Circuit Court of the Sixth Judicial Circuit of the State of Florida, at the fall term A. D. 1869, of the Circuit Court in and for the county of Manatee, at the town of Pine Level in said county and State, and during the session of said Circuit Court, did persuade one Irene Jenkins, charged in an Indictment with the crime of Adultery or some kindred offence, that a plea of guilty on her part to said indictment would induce a mitiga-

tion of the penalty, and the said Irene, hearkening to his persuasion and confiding in his promise of leniency, and meriting sympathy for her physical condition, entered a plea of guilty accordingly, whereupon the said James T. Magbee, Judge as aforesaid, disregarding his promises, imposed a cruel and unusual punishment to-wit: an imprisonment at hard labor in the State Penitentiary for the period of twenty-one months upon the said Irene Jenkins, while at the same Term of the Court, Louis M. Jenkins, who had been indicted for a similar offence, upon entering a plea of guilty, was punished by a fine of only seventy-five dollars, whereby the said James T. Magbee, Judge as aforesaid, manifested a cruel and wicked disposition of heart and an incompetency for the high and dignified position of a Judge.

M. L. STEARNS,
Speaker of Assembly.

February 18th, 1870.—Read and Adopted by the Assembly.

WM. FORSYTH BYNUM, Clerk of Assembly.

Which was received.

A committee from the Assembly appeared at the bar of the Senate and returned to the Senate Senate bill No. 113, in accordance with the request of the Senate of this date.

The following communications were received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 18, 1870. }

Hon. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly bill No. 108, to be entitled an act making appropriations for certain expenses of the State Government of the State of Florida, for the fiscal year ending December 31, A. D. 1870.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 18, 1870. }

Hon. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has refused to concur in and to the Senate amendments to Assembly bill No. 97, to be entitled an act making appropriations for the payment of members, officers, attaches and other expenses of the Legislature at the present session, and

respectfully request that a committee of conference be appointed.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read, and accompanying Assembly bill No. 108 placed among the orders of the day.

The Senate resumed the reading of the bill.

Mr. Wentworth moved that further consideration of the bill be postponed till 8:45 P. M.

Which was agreed to.

Mr. Purman moved that a committee of conference of three be appointed on the part of the Senate to act with a similar committee of the Assembly in reference to the refusal of the Assembly to concur in Senate amendments to Assembly bill No. 97;

Which was agreed to.

The President appointed as such Senate Committee of Conference Messrs. Purman, Ginn and Walls.

Mr. Walls offered the following resolution:

Resolved, That the resolution adopted for the adjournment on the 18th be and the same is hereby rescinded;

Which was read.

The hour of 8:45 having arrived, the Senate resumed the first reading of Assembly bill No. 86.

During the reading, Mr. Henderson protested against the signing by the President of enrolled Senate bill No. 113, inasmuch as the Assembly had indefinitely postponed the same, and moved that the bill be returned to the Assembly.

Mr. Wentworth 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, Hillyer, Meacham, Pearce, Smith, Underwood and Wentworth—9.

Nays—Messrs. Atkins, Henderson, Katzenberg, Kendrick, Krimminger, McCaskill, Smithson and Weeks—8.

So the motion was laid on the table.

The following communications were received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., Feb'y 18, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate;

SIR:—I am directed by the Assembly to inform the Senate that the Assembly has passed Senate bill No. 47, to be entitled

an act to incorporate the Upper St. Johns, Mellonville and Tampa Railroad Company.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., Feb'y 18, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR:—I am directed by the Assembly to inform the Senate that the Assembly has passed Senate bill No. 115, to be entitled an act for the relief of Harry C. Campbell, Sheriff of Escambia county.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read, and accompanying Senate bills Nos. 47 and 115 ordered to be enrolled.

Mr. Meacham moved that further consideration of Assembly bill No. 86 be postponed until twenty minutes past 9 o'clock;

Which was agreed to.

Mr. Meacham offered the following resolution:

Resolved, That the Senate, the Assembly concurring, do hereby rescind the vote to adjourn this day.

Resolved, That both houses adjourn to-morrow, Saturday, at 3 P. M., and that no new matter be introduced into either House.

Which on motion of Mr. Kendrick, was laid on the table.

Mr. Wentworth moved that when this body does adjourn, that it adjourn till to-morrow morning, 10 o'clock, A. M.

Which was agreed to.

Mr. Wentworth moved the following:

That a committee of three be appointed to inform the House that the Senate had passed the above motion, and thereby rescinded the concurrent resolution relative to adjournment.

Which was agreed to, and Messrs. Wentworth, Bradwell and Henderson were appointed as a committee to notify the Assembly of the same.

After a brief absence the committee returned, reported they had performed their duty and asked to be discharged,

Which was agreed to,

Mr. Hillyer moved that the Sergeant-at-Arms be sent after the Chairman of the Committee on Enrolled Bills, with instructions to bring him before the bar of the Senate, with the Senate Enrolled Bill, No. 113,

Which was agreed to.

The hour of 9 having arrived, the Senate resumed the first reading of the bill.

The Sergeant at Arms returned with the Chairman of the Committee on Enrolled Bills in his custody.

The Chairman of the Committee on Enrolled Bills reported that the bill was not in his possession; that it was in the hands of one of the Committee on Enrolled Bills.

On motion of Mr. Pearce, the Sergeant-at-Arms was sent after the other members of the Committee on Enrolled Bills.

The following communication was received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 18, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has adopted concurrent resolution relative to adjournment.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which was read.

On motion of Mr. Wentworth, the Senate went into executive session at 9.45 o'clock, P. M.

Mr. Purman was excused from further attendance on the Conference Committee on Assembly bill No. 97, and Mr. Hillyer appointed in his place.

On motion of Mr. Wentworth, the doors were opened, and the Senate adjourned until to-morrow, 10 o'clock, A. M.

SATURDAY, February 19, 1870.

The Senate met pursuant to adjournment.

The Lieutenant-Governor in the chair.

Prayer by the Chaplain.

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

Messrs. Bradwell, Cruse, Ginn, Kendrick, Meacham, McCaskill, Pearce, Smithson, Walls, and Wentworth—10.

The President announced there was no quorum present.

Mr. Meacham moved the call of the Senate;

Which was about being done, when the President announced a quorum.

Assembly Concurrent Resolution relative to adjournment on the 19th inst., P. M.,

Was read.

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

Senate Bill No. 118:

An act providing for the Publication, Distribution, and Sale of Reports of Decisions of the Supreme Court of this State;

Which was read the first time by its title, rule waived, read second and third times, and put on its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Cruse, Ginn, Henderson, Katzenberg, Kendrick, Meacham, McCaskill, Pearce, Purman, Smithson, Underwood, Weeks, and Wentworth—15.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

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

Senate Bill No. 119:

An act to provide that Foreign Insurance and other Corporations doing business in this State, shall deposit State Bonds to secure the people against fraud;

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

The vote was:

Yeas—Messrs. Bradwell, Cruse, Hillyer, Kendrick, Meacham, Pearce, Purman, Underwood, Walls, and Wentworth—10.

Nays—Messrs. Atkins, Ginn, Henderson, Katzenberg, McCaskill, and Smithson—6.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Assembly Joint Resolution No. 21, in relation to settling different accounts with the U. S. Government,

Was read first time by its title, rule waived, read second and third times, and put upon its passage.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Pearce, Purman, Smithson, Walls, and Wentworth—12.

Nays—Messrs. Ginn, Henderson, McCaskill, and Underwood—4.

So the resolution was adopted.

Ordered that the same be certified to the Assembly.

The following communications were received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., Feb. 18, 1870. }

HON. GEO. E. WENTWORTH, President of the Senate:

SIR: I am directed by the Assembly to inform the Senate that the Assembly has concurred in the amendments reported by the Joint Committee of Conference relative to disagreement of the Senate and Assembly to amendments to Assembly Bill No. 97,