

Mr. Walls moved to lay the motion on the table.

The Senate refused to lay the motion on the table, and in accordance with Mr. Smith's motion, the bill was referred to a special committee of five, consisting of Messrs. Smith, Walls, Purman, Weeks and Ginn.

Mr. Hillyer moved that the Secretary be directed to return to the office of the Secretary of State the Agricultural Land Scrip bill;

Which was not agreed to.

The following communication was received from the Assembly:

ASSEMBLY HALL,
TALLAHASSEE, Fla., May 30, 1870. }

HON. GEORGE 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. 8, to be entitled an act for the relief of Dr. William Germany, and for the sanitary interest of the State of Florida.

Very Respectfully,
WM. FORSYTH BYNUM,
Clerk of the Assrmbly.

Also the following:

ASSEMBLY HALL,
Tallahassee, Fla., May, 31, 1870. }

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

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

Senate concurrent Resolution relative to what class of expenses are required by the Constitution to be paid by the Counties—who are County Officers within the meaning of the Constitution, and what legislation is necessary to carry it into effect.

Very Respectfully,
WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read and the accompanying bill and resolution ordered to be enrolled.

Leave being given, Mr. Smith, Chairman of the Committee to whom was referred the communication of Judge Magbee, under date of May 30th, withdrew his report made this morning.

The following communications were received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., May 31, 1870. }

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

SIR: I am directed by the Assembly to return to the Senate

for further consideration Assembly bill No. 4, 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., May 31, 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 Senate Memorial to Congress in relation to the dredging out of the inside passage between the St. Mary's and St. John's rivers.

Very respectfully,
WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which were read, and Senate Memorial ordered to be enrolled, and Assembly bill No. 3, on motion of Mr. Smith, referred to the Committee on Finance and Taxation.

On motion of Mr. Smith, the Senate adjourned until tomorrow, 10 o'clock.

—o—

WEDNESDAY, June 1, 1870.

The Senate met pursuant to adjournment.

The President pro tem. in the Chair.

Prayer by the Chaplain.

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

Mr. President pro tem., Messrs. Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Pearce, Smithson, Vaughan, Walls and Weeks—17

A quorum present.

Mr. Meacham moved that the reading of the journal of yesterday be dispensed with;

Which was agreed to, and the journal approved.

The rule was waived and Mr. McCaskill offered the following Senate bill No. 9, an act to re-enact an act entitled an act to incorporate the Pensacola Wharf Company;

Which was read the first time by its title and, on motion, referred

to a committee of three, consisting of Messrs. McCaskill, Walls and Meacham.

Mr. Katzenberg moved that the names of the officers of the Senate be stricken from the document purporting to be "an act to authorize the Governor to ask for and receive the Agricultural Land Scrip from the United States," in open session this morning;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Crawford, Cruse, Ginn, Henderson, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Smithson, Vaughan and Weeks—13.

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

The Secretary reported that the bill was not in his possession.

Whereupon Mr. Henderson offered the following resolution:

WHEREAS, A document purporting to be an act of the Legislature of the State of Florida, entitled "an act to authorize the Governor to ask for and receive the Agricultural Scrip," &c., has been purloined from the desk of the Secretary of this Senate, while the validity of the same was under consideration: therefore,

Be it resolved by the Senate of the State of Florida, That the Secretary of this Senate be instructed to notify immediately the President of the United States and the Secretary of the Interior of the abstraction of this document, in order that they may be advised of the spurious character thereof.

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

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Hillyer, Pearce, Purman and Walls—5.

Nays—Messrs. Atkins, Crawford, Cruse, Ginn, Henderson, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Smithson, Vaughan and Weeks—13.

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

Upon the adoption of the resolution, the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Crawford, Cruse, Ginn, Henderson, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Smithson, Vaughan and Weeks—13.

Nays—Messrs. Bradwell, Hillyer, Pearce, Purman and Walls—5.

So the resolution was adopted.

Ordered that the Secretary comply with the resolution forthwith.

Mr. Henderson moved that the Sergeant-at-Arms be directed to go in search of the bill relative to Agricultural Land Scrip and bring before this body the bill and the person or persons in whose possession the bill may be;

Which was agreed to.

The Committee on Finance and Taxation made the following report:

SENATE CHAMBER, Tallahassee, June 1, 1870.

To the President of the Senate:

SIR—Your committee, to whom has been referred the following bill, viz:

An act for the Assessment and Collection of Taxes, Assembly bill No. 4, beg leave to report that they have carefully examined the same and recommend its passage.

C. V. HILLYER, Chairman.
ROBERT MEACHAM,
ARTHUR GINN,
J. T. WALLS.

Which was received and read.

Mr. Hillyer moved that the rule be waived and the accompanying bill be read the second time;

Which was not agreed to.

The bill was placed among the orders of the day.

A committee made the following report:

Your committee to whom was referred Senate Bill No. 3, entitled "An Act authorising a tax for schools," beg leave to report favorable to the passage of the same.

Respectfully,

J. T. WALLS, Chairman.
ROBT M. SMITH,
ARTHUR GINN.

Which was read, and the accompanying Senate Bill No. 3 placed among the orders of the day.

Mr. Hillyer moved that when the Senate adjourn this afternoon it shall be till 8 o'clock, P. M. (to-night,) and that Assembly bill No. 4, "An Act to provide for the assessment and collection of Taxes," be made the special order of the day for that hour;

Which was agreed to.

A minority of the special committee to whom was referred the communication of Judge Magbee, under date of May 30th, made the following report:

We the undersigned of the committee to whom was referred the following communication of James T. Magbee, Judge of the Sixth Judicial Circuit of Florida, to-wit:

TALLAHASSEE, May 30th, 1870.

To the Honorable the Senate of the State of Florida :

SENATORS: In accordance with the 9th section of Article XVI of the Constitution of the State of Florida, I demand my trial at this session upon the Articles of Impeachment preferred by the Assembly at its last session against me as Judge of the 6th Judicial Circuit of the State of Florida.

I am, Very Respectfully,
Your obedient servant,
JAMES T. MAGBEE.

Having duly considered the same, beg leave to dissent from the report made by the majority of said committee, and submit as their reasons therefor the following :

That on the 18th February, 1870, a committee of the House appeared at the bar of the Senate and made the following report :

"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."

Afterwards, to-wit: on the same day, Senator 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, and the House of Representatives were so notified by a Committee of the Senate.

Afterwards, to-wit: on the same day, a committee from the Assembly appeared at the bar of the Senate and presented Articles of Impeachment against the said James T. Magbee, Judge of the Sixth Judicial Circuit of Florida, with head notes and

names of witnesses, viz: C. R. Mobley, J. A. Henderson, M. P. Lyons, H. L. Mitchell, J. D. Green, Peter Crusoe, W. C. Maloney, Jr. and W. W. Wall.

It being made to appear from the foregoing, that the Articles of Impeachment were properly presented, and that the House of Representatives were informed and led to believe that the trial would take place on a day certain, to-wit: on the first day of the next regular session in January next, and that their managers being so advised, having accordingly acted, we see no reason why the Senate should set this case for a hearing at a different day, unless by consent of the managers and the respondent, or by virtue of the grounds set forth in the petition.

In the first place, no such consent has been offered here, and we necessarily conclude that the same has not been given.

As to the second ground, has the respondent a right to demand his trial under the Constitution at this Extraordinary Session? The Constitution says, Article 16—Section 9:

* * * "Any officer when impeached by the Assembly, * * * may demand his trial by the Senate within one year from the date of his impeachment."

We are forced to the conclusion that this clause gives to a respondent to articles of impeachment a right not to demand a trial at any time within one year, but a right to demand that he shall be brought to trial within one year.

We are, therefore, forced to the conclusion that a defendant in any Court of Justice would be entitled, under such circumstances, to a trial upon a consent thereto between the prosecution and the defendant.

Shall, then, a judicial officer of high dignity, who is charged by impeachment of high crimes and misdemeanors, be entitled to greater privileges?

The suggestion that we, the present Senate, being familiar with the circumstances of this case, ought to try the cause, if it indeed amounts to anything, serves as an argument why we should not try the cause.

When sitting as a court of impeachment, we are supposed to sit holding the scales of justice with an even hand and with our eyes closed. The respondent is entitled to and should receive a fair and impartial trial upon the charges under which he has been impeached, and any Senator who cannot from his knowledge of the case give him such a hearing, has no right to be a member of such a court, neither should the public interest be prejudiced by private feelings or party policy in a matter of this character, which in dignity and importance, rises so high above any such considerations.

Believing, therefore, as we do, that the managers in this case have not withheld their consent to a hearing of this cause at this

session from improper motives, but that they are actuated solely by a disinterested desire for the proper administration of justice, and have not consented to such trial simply because they could not properly discharge their duty to the public, and have not, nor could not, reasonably be expected to have their witnesses in attendance or themselves in readiness for trial, do recommend the adoption of the following resolution :

Resolved, That in the matter of the impeachment of James T. Magbee, Judge of the 6th Judicial Circuit, upon the presentation to this Senate of an agreement in writing to the trial of such cause, signed by the managers of the House, respectively, and by the respondent consenting thereto, this Senate will resolve itself into a court for the trial of such articles of impeachment.

All of which is respectfully submitted.

N. H. MORAGNE,
JOSEPH A. ATKINS.

Which was read.

The majority of the above committee made the following report :

The Special Committee of the Senate, to which was referred the request of James T. Magbee, Judge of the Sixth Judicial Circuit Court of the State of Florida, that he be tried by the Senate upon the impeachment and charges preferred by the Assembly, at its last regular session, charging him with high crimes and misdemeanors, and incompetency in office, beg leave to

REPORT :

That in view of the necessity of the continuance of the Court in the hands of the Judge before whom the pending proceedings of the Court originated ; the grave nature of the offence charged, as calculated to affect the judicial reputation of any presiding officer of an important Court, and the fact that it is happily in keeping with every principle of good government, and that the Constitution guarantees to every citizen a speedy and impartial trial, and the further fact that the term of office of one-half of the present Senate, in the opinion of many, expires on the 8th of June next, and it is desirable that such trial be had by those already familiar with all the circumstances ; therefore,

Resolved, That the Senate will organize itself into a Court this afternoon, at 4 o'clock, and proceed to the trial of the impeachment of James T. Magbee, Judge of the Sixth Judicial Circuit Court of this State.

And that the Secretary of the Senate transmit at once a copy of this resolution to the Assembly.

ROBT M. SMITH, Chairman.
JOHN A. VAUGHAN,
W. J. PURMAN.

Which was read.

Mr. Purman moved that the majority report of the Committee be adopted ;

On which the yeas and nays were called for.

The vote was :

Yeas—Messrs. Bradwell, Crawford, Cruse, Ginn, Hillyer, Katzenberg, Krimminger, Meacham, Pearce, Purman, Smith, Smithson, Vaughan, Walls and Weeks—15.

Nays—Messrs. Atkins, Moragne and McCaskill—3.

The majority report of the Committee was adopted.

Mr. Hillyer moved that a special committee of three be appointed to notify the Assembly of this action of the Senate ;

Which was agreed to.

The President appointed as such committee, Messrs. Hillyer, Krimminger and McCaskill.

The committee retired, and after a brief absence returned and reported that they had performed their duty and were discharged.

Mr. Smith moved that the Secretary of the Senate be directed to notify the Hon. E. M. Randall, Chief Justice, of the action of the Senate, and furnish him with an official copy of the same.

The Committee on Enrolled bills made the following reports :

SENATE CHAMBER, }
Tallahassee, Fla., June 1st, 1870. }

To the President of the Senate :

SIR—Your Committee, to whom has been referred the following Documents, viz :

Memorial to Congress in relation to the Dredging out of the inside passage between the St. Mary's and John's Rivers ;

Also concurrent Resolution requesting the Governor to procure the opinion of the Justices of the Supreme Court on certain matters relating to Counties and County Officers, beg leave to report that they have carefully examined the same, and find them correctly enrolled.

S. KATZENBERG, Cha'n.
G. B. SMITHSON,
J. A. ATKINS,
J. N. KRIMMINGER,
R. M. SMITH.

SENATE CHAMBER, Tallahassee, Fla., June 1, 1870.

To the President of the Senate:

SIR—Your Committee to whom has been referred the following bills, viz:

Senate bill, No. 5, an act Concerning Testimony;

Senate bill No. 8, an act for the relief of Dr. William Germany, and for the sanitary interest of the State, beg leave to report that they have carefully examined the same, and find them correctly enrolled.

S. KATZENBERG, Ch'n.
G. B. SMITHSON,
J. A. ATKINS,
J. N. KRIMMINGER,
R. M. SMITH.

Which were read.

ORDERS OF THE DAY.

Senate bill No. 3, an act authorizing a Tax for Schools,

Was read second time. As the bill was about to be read the third time, Mr. Smith moved that the bill be placed back on its second reading;

Which was not agreed to.

The rule was waived, the bill read the third time and put upon its passage.

The vote was:

Yeas—Mr. President pro tem., Messrs. Bradwell, Cruse, Henderson, Hillyer, Katzenberg, Krimminger, Meacham, Pearce, Purman, Smith, Vaughan and Walls—13.

Nays—Messrs. Atkins, Crawford, Ginn, Moragne and Weeks—5.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

Mr. Henderson offered the following bill:

An act in relation to the disqualification of Justices, Judges and Jurors.

Mr. Smithson objected to its introduction.

Mr. McCaskill offered the following bill:

An act to allow William A. Graham, a minor, to practice Law in the courts of this State.

Mr. Smithson objected to its introduction.

On motion of Mr. Smith, the message of his Excellency, the Governor, to the Senate, under date of Feb. 21, 1870, vetoing an act for the relief of A. B. Hawkins,

Was taken up.

On motion of Mr. Smith, the same was referred to a special committee, consisting of Messrs. Smith, Moragne and Bradwell.

On motion of Mr. Moragne, the Senate took a recess until 4 o'clock p. m. to-day.

FOUR O'CLOCK, P. M.

The Senate resumed its session.

The President pro tem. in the chair.

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

Mr. President pro tem., Messrs. Bradwell, Crawford, Ginn, Henderson, Hillyer, Katzenberg, Krimminger, McCaskill, Smith, Smithson, Vaughan and Walls—13.

A quorum present.

Mr. Hillyer moved that a committee of three be appointed to wait on the Chief Justice of this State and inform him that the Senate was now organized and ready to sit as a Court of Impeachment in the trial of the Hon. J. T. Magbee;

Which was agreed to, and Messrs. Hillyer, Walls and McCaskill appointed said committee.

The committee retired.

The Committee on Enrolled Bills made the following report:

SENATE CHAMBER, Tallahassee, Fla., June 1, 1870.

To the President of the Senate:

SIR—Your Committee, to whom has been referred the following bills, viz:

Senate bill No. 1, an act in relation to the Capitol and other public Buildings of the State;

Senate bill No. 4, an act concerning Writs of Attachment and Replevin in the County Courts;

Beg leave to report that they have carefully examined the same, and find them correctly enrolled.

S. KATZENBERG, Chairman.
J. A. ATKINS,
J. N. KRIMMINGER,
G. B. SMITHSON.

Which was read.

Mr. Smith offered the following resolution:

Resolved, That the Chairman of the Committee on Enrolled Bills shall hereafter sign his name as chairman of said committee

before reporting the same upon the back of each and all sheets composing any bill upon which he reports, and also the date of signing the same;

Which was agreed to.

The Committee on Engrossed Bills made the following report:

SENATE CHAMBER,
Tallahassee, Fla. June 1, 1870. }

TO THE PRESIDENT OF THE SENATE:

SIR: Your Committee, to whom has been referred a substitute for Senate bill No. 2, an act authorizing a Tax for Schools, beg leave to report it correctly engrossed.

G. B. SMITHSON, Chairman.
S. KATZENBERG,
WM. BRADWELL.

Which was read.

PROCEEDINGS OF THE SENATE SITTING AS A COURT OF IMPEACHMENT.

At fifteen minutes past 4 o'clock, the Chief Justice of the State of Florida entered the Senate Chamber, accompanied by Associate Justice Westcott and escorted by Senators Hillyer, Walls and McCaskill.

The Chief Justice took the Chair.

The oath was administered by Mr. Justice Westcott of the Supreme Court of the State of Florida to Chief Justice Randall in the following words:

"I do solemnly swear that in all things appertaining to the trial of the impeachment of James T. Magbee, Judge of the 6th Judicial Circuit of the State of Florida, I will do impartial justice according to the Constitution and the laws. So help me God."

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

Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Vaughan, Walls, Weeks and Wentworth—20.

The Chief Justice then proceeded to administer the oath to the Senators respectively.

Mr. Purman offered the following resolution:

Resolved, That the Secretary of the Senate notify the Assembly and the respondent that the Senate is now organized for the trial of the articles of impeachment against James T. Magbee,

Judge of the Sixth Judicial Circuit of the State of Florida, and is ready to receive the managers of the impeachment at its bar.

Which was agreed to.

Mr. Smith moved that the Sergeant-at-Arms be directed to act as the messenger of this court;

Which was agreed to.

In response to the summons of the Senate, the respondent, James T. Magbee, and his counsel, D. P. Holland and J. P. C. Emmons, appeared at the bar of the Senate, and their presence was announced by the Sergeant-at-Arms.

The respondent and his counsel took their seats within the bar of the Senate.

Mr. Wentworth moved that a committee of three be appointed to wait on his Excellency and inform him that the Senate was now organized and sitting as a Court of Impeachment upon the trial of James T. Magbee;

Which was agreed to, and the Chief Justice appointed Messrs. Wentworth, McCaskill and Walls said committee.

The committee retired, and after a brief absence returned and reported they had performed their duty, and were discharged.

At 20 minutes before 5 o'clock, the managers of the impeachment on the part of the Assembly, Messrs. McKinnon, Oliver, Harman, Green and Walker, appeared at the bar, and their presence was announced by the Sergeant-at-Arms, and they took their seats within the bar.

The Sergeant-at-Arms made the following proclamation:

"Hear ye, hear ye, hear ye! All persons are commanded to keep silence on pain of imprisonment, while the Senate of the State of Florida is sitting for the trial of the impeachment of James T. Magbee, Judge of the Sixth Judicial Circuit of Florida."

The respondent appeared and waived formal process.

Mr. Wentworth moved that hereafter upon every question arising before this body, sitting as a Court, the yeas and nays shall be taken;

Which was agreed to.

Mr. Henderson moved that the managers for the prosecution be requested to state to this Court whether they are ready to proceed to trial;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Crawford, Ginn, Henderson, Moragne, McCaskill, Smith, Smithson, Vaughan, Walls, Weeks and Wentworth—12.

Nays—Messrs. Bradwell, Cruse, Hillyer, Katzenberg, Krimminger, Meacham, Pearce and Purman—8.

So the motion was adopted.

Mr. manager McKinnon arose and informed the Court that the managers were not ready for trial, whereupon the respondent by his counsel, Mr. D. P. Holland, moved to dismiss the case for want of prosecution.

Mr. Hillyer moved that the Articles of Impeachment preferred against the Hon: J. T. Magbee be read by the Secretary;

Which was agreed to.

The Secretary then proceeded to read the Articles of Impeachment, which are as follows:

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 misdemeanors, 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 stat-

ute in such case made and provided, and against the peace and dignity of the State of Florida, whereby the said James 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 mitigation 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.

Mr. Wentworth moved that the Secretary be directed to furnish the managers and the respondent each with a copy of the Articles of Impeachment;

Upon which the yeas and nays were called.

The vote was:

Yeas—Mr. President pro tem. Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Vaughan, Walls and Weeks—20.

Nays—None.

So the motion was adopted.

Mr. Smith moved, that Senators Hillyer, Henderson and Wentworth be a committee to advise with the Chief Justice and present rules to govern the Senate while acting as a High Court of Impeachment;

On which the yeas and nays were called.

The vote was:

Yeas—Mr. President pro tem. Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Vaughan, Walls and Weeks—20.

Nays—None.

So the motion was adopted.

Mr. Wentworth moved that the Senate sitting as a High Court of Impeachment do now adjourn till to-morrow, 12 M.

Mr. Smith moved as an amendment, that the Senate adjourn till to-morrow, 8 o'clock, P. M.

On which the yeas and nays were called.

The vote was:

Yeas—Messrs. Atkins, Crawford, Cruse, Ginn, Hillyer, Katzenberg, Meacham, Moragne, McCaskill, Smith, Smithson and Walls—12.

Nays—Mr. President pro tem. Messrs. Bradwell, Henderson, Krimminger, Pearce, Purman, Vaughan and Weeks—8.

The motion as amended was agreed to.

The Chief Justice thereupon declared the Senate sitting as a Court of Impeachment adjourned to the time named, and vacated the chair.

The Senate resumed its session.

The President pro tem. in the chair.

A special committee made the following report:

TO THE SENATE: Your committee to whom was referred Senate bill No. 2, entitled an act relating to the finances of the State, beg leave to report the same back with the accompanying substitute and recommend the passage of the substitute.

R. M. SMITH, Ch'n.

W. J. PURMAN,

A. GINN,

J. T. WALLS.

Which was read.

On motion of Mr. Purman, the accompanying Senate bill No. 2 an act relating to the finances of the State,

Was put on its second reading.

Mr. Purman moved to amend section 2 of said bill by inserting after the word "prepared" in the first line, the words "to the amount of one million of dollars;"

Which was agreed to.

Mr. Henderson moved to strike out the word "Governor," in line 1, section 2, and insert the word "Comptroller."

Mr. Walls moved to lay the motion on the table.

Upon which the yeas and nays being called for, the vote was:

Yeas—Messrs. Bradwell, Hillyer, Krimminger, Meacham, Pearce, Purman, Smith, Vaughan and Walls—9.

Nays—Messrs. Atkins, Crawford, Cruse, Ginn, Henderson, Katzenberg, Moragne, McCaskill, Smithson and Weeks—10.

So the motion was not laid on the table.

Mr. Purman moved to indefinitely postpone the motion of Mr. Henderson ;

Upon which the yeas and nays being called for the vote was :

Yeas—Messrs. Bradwell, Cruse, Hillyer, Krimminger, Meacham, Pearce, Purman, Smith, Vaughan and Walls—10.

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

So the motion of Mr. Henderson was indefinitely postponed.

Mr. McCaskill moved that the bill be indefinitely postponed.

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, Cruse, Hillyer, Krimminger, Meacham, Pearce, Purman, Smith and Walls—9.

Nays—Messrs. Atkins, Crawford, Ginn, Henderson, Katzenberg, Moragne, McCaskill, Smithson, Vaughan and Weeks—10.

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

On motion of Mr. Meacham, the Senate took a recess until 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

The Senate resumed its session.

The President pro tem. in the chair.

No quorum being present, Mr. Hillyer moved a call of the Senate ;

Which was agreed to, and the following Senators answered to their names :

Mr. President pro tem., Messrs. Bradwell, Crawford, Cruse, Ginn, Hillyer, Meacham, Pearce and Vaughan—9.

The Sergeant-at-Arms was dispatched for the absent members.

A quorum appearing, further proceedings under the call were dispensed with.

The following communication was received from the Assembly :

ASSEMBLY HALL,
Tallahassee, Fla., June 1, 1870. }

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

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

the following enrolled Senate bills, resolution and memorial have been signed by the Speaker and Chief Clerk of the Assembly :

Senate Bill No. 1, an act in relation to the Capitol and other Public Buildings of the State ;

Senate Bill No. 5, an act concerning testimony ;

Senate Bill No. 4, an act concerning Writs of Attachment and Replevin in the County Courts ;

Senate Bill No. 8, an act for the relief of Dr. Wm. Germany and for the Sanitary interest of the State ;

Senate Memorial to Congress of the United States ; and

Concurrent resolution requesting the Governor to call on the Justices of the Supreme Court for their opinion in relation to counties and county offices.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the Assembly.

Which was read.

The President announced the signing of the following bills, memorial and resolution, viz :

Senate Bill No. 1, an act in relation to the Capitol and other Public Buildings of the State ;

Senate Bill No. 5, an act concerning testimony ;

Senate Bill No. 4, an act concerning Writs of Attachment and Replevin in the County Courts ;

Senate Bill No. 8, an act for the relief of Dr. Wm. Germany and for the Sanitary of the State ;

Senate Memorial to Congress of the United States ; and

Concurrent resolution requesting the Governor to call on the Justices of the Supreme Court for their opinion in relation to counties and county offices.

Assembly bill No. 1, an act for the Assessment and Collection of Taxes,

Came up on its second reading.

Mr. Smith offered the following amendment :

At the end of the 4th Sec. insert "7th. All property heretofore exempted from taxation by virtue of laws in the nature of contracts between the State and corporations or individuals ;"

Which was adopted.

Mr. Katzenberg offered the following amendment :

Insert at the end of Sec. 11 : "11th. All Telegraph Lines shall pay a tax of one per cent. upon their annual net income ;"

Which was adopted.

Mr. McCaskill moved to strike out in Section 13, line 2, the word "Treasurer," and insert the word "Comptroller ;"

Which was agreed to.

Mr. Smithson moved to amend the bill as follows :

In Section 22 after the word "persons," insert "residents in the vicinity;"

Which was agreed to.

Mr. Smithson moved that the Senate do now adjourn;

Which was agreed to,

And the Senate adjourned until to-morrow morning, 10 o'clock.

—o

THURSDAY, June 2, 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 answered to their names:

Mr. President pro tem. Messrs. Atkins, Bradwell, Crawford, Ginn, Henderson, Hillyer, Kendrick, Krimminger, Meatham, Moragne, McCaskill, Pearce, Smithson, Vaughan and Weeks—16.

A quorum present.

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

Mr. McCaskill moved that the journal of yesterday, at the 8 o'clock, P. M. session, after the sentence "Which was read," be corrected by inserting the following:

"The President announced the signing of the following bills, resolution and memorial:

Senate Bill No. 1, an act in relation to the Capitol and other Public Buildings of the State;

Senate Bill No. 5, an act concerning Testimony;

Senate Bill No. 4, an act concerning Writs of Attachment and Replevin in the County Courts;

Senate Bill No. 8, an act for the relief of Dr. Wm. Germany and for the Sanitary interest of the State;

Senate Memorial to Congress of the United States; and Concurrent resolution requesting the Governor to call on the Justices of the Supreme Court for their opinion in relation to counties and county offices;"

and that hereafter the announcement by the President of the signing of all bills, resolutions, memorials, &c., originating in this body, shall appear on the journal;

Which was agreed to.

On motion of Mr. Smithson, Mr. Vaughan was excused from further attendance on the Senate.

Mr. Meacham moved to reconsider the vote had on yesterday on the following resolution:

Be it resolved by the Senate of the State of Florida, That the Secretary of this Senate be instructed to notify immediately the President of the United States and the Secretary of the Interior of the abstraction of this document, in order that they may be advised of the spurious character thereof.

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

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Crawford, Ginn, Henderson, Katzenberg, Kendrick, Moragne, McCaskill, Smithson and Weeks—10.

Nays—Messrs. Bradwell, Cruse, Hillyer, Krimminger, Meacham, Pearce, Smith and Walls—8.

So the motion was laid on the table.

A committee made the following report:

SENATE CHAMBER,
Tallahassee, Fla., June 2, 1870. }

The undersigned, special committee, to whom was referred a bill to incorporate the Pensacola Wharf Company, having compared the same with the enrolled bill as passed by this body, at its late session, but failed to receive the signatures of the officers of this body, and therefore to become a law, finding it a true and correct copy, recommend the passage of the same.

A. L. McCASKILL,
J. T. WALLS,
ROBERT MEACHAM.

Which was read, and on motion of Mr. McCaskill, the accompanying Senate bill No. 9, an act to re-enact an act entitled an act to incorporate the Pensacola Wharf Company, was read the second time, rule waived, read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Katzenberg, Kendrick, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smitson, Walls and Weeks—18.

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 the second reading of Assembly bill No. 1, "An Act for the assessment and collection of taxes."