

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."

Mr. Atkins moved to strike out the word "twenty" in Section 11, paragraph 4, and insert the word "ten;"

Which was agreed to.

Mr. Kendrick moved to reconsider the amendment offered by Mr. Smith at the end of Section 11;

Which was not agreed to.

Mr. Henderson offered the following amendment:

At the end of Section 11, insert

"ARTICLE XI. All telegraph lines, railroad, steamboat, and all other companies and corporations holding charters from the State, shall pay a tax of one per cent. upon their net income derived from their business in this State."

On the adoption of which the yeas and nays were called for.

The vote was:

Yeas—Mr. President pro tem. Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Hillyer, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smithson, Vaughan and Weeks—18.

Nays—Messrs. Kendrick and Smith—2.

So the amendment was adopted.

Mr. Atkins offered the following amendment:

Section 12, after the word "shall" insert "after due notification from the Collector;"

Which was agreed to.

Mr. Smith offered the following amendment:

Article V, Section 11, insert the following:

"Lawyers, a license of ten dollars, which shall be the only license required to be paid by lawyers by any State, county or municipal authorities."

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

On which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, McCaskill, Pearce, Purman, Smithson and Weeks—13.

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

So the amendment was laid on the table.

Mr. Smith offered the following amendment:

Article XII, Section 11, "All merchants doing business in any incorporated city shall pay a State license of ten dollars."

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

Which was not agreed to.

Upon the adoption of the amendment the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Crawford, Ginn, Henderson, Hillyer, Katzenberg, Meacham, Moragne, McCaskill and Smith—10.

Nays—Messrs. Bradwell, Cruse, Kendrick, Krimminger, Pearce, Purman and Smithson—7.

So the amendment was adopted.

Mr. McCaskill moved to indefinitely postpone further consideration of the bill.

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

Upon which the yeas and nays were called for.

The vote was:

Yeas—Mr. President pro tem., Messrs. Bradwell, Cruse, Hillyer, Katzenberg, Krimminger, Meacham, Pearce, Purman and Smith—10.

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

So the motion was laid on the table.

Mr. McCaskill moved to postpone consideration of the bill for twenty days.

The President ruled that the motion was out of order.

Mr. McCaskill appealed from the decision of the President.

Upon the question, shall the decision of the President be sustained?

The vote was:

Yeas—Messrs. Bradwell, Cruse, Henderson, Hillyer, Katzenberg, Kendrick, Krimminger, Meacham, Pearce, Purman, Smith, Smithson, Walls and Weeks—14.

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

So the decision of the President was sustained.

Mr. Henderson moved that further consideration of the bill be postponed until Tuesday, next, 11.45 P. M.

Mr. Pearce moved that the Senate do now take a recess;

Which was not agreed to.

Mr. Kendrick moved that the Senate do now take a recess;

Which was not agreed to.

Upon the adoption of Mr. Henderson's motion the yeas and nays were called for.

The vote was:

Yeas—Messrs. Atkins, Crawford, Ginn, Henderson, Katzenberg, Kendrick, McCaskill, Smithson and Weeks—9.

Nays—Mr. President pro tem., Messrs. Bradwell, Cruse, Hillyer, Krimminger, Meacham, Pearce, Purman, Smith and Walls—10.

The Senate refused to postpone the bill until Tuesday next, 11.45, P. M.

On motion of Mr. Walls, the bill was postponed until to-morrow morning, 10 o'clock.

The Committee on Engrossed Bills made the following report:

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

To the President of the Senate:

SIR—Your Committee, to whom has been referred the following bill, viz: Senate bill, No. 9, a bill to re-enact an act entitled an act to incorporate the Pensacola Wharf Company,

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

G. B. SMITHSON, Ch'n.

S. KATZENBERG,

WM. BRADWELL.

Which was read.

The Senate resumed the second reading of Senate Bill No. 2, an act relating to the finances of the State.

Mr. Smith moved that further consideration of the bill be postponed until 4 o'clock P. M., and that the bill be made the special order of the day for that hour;

Which was agreed to.

On motion of Mr. Henderson, the Senate took a recess until 4 o'clock, P. M.

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, Cruse, Ginn, Hillyer, Krimminger, Meacham, Pearce, Purman, Smithson, Walls and Weeks—13.

A quorum present.

Substitute for Senate bill No. 2 was taken up on its second reading.

Mr. Purman moved that in Section 2, after the word "dollars" the words "without delay" be inserted;

Which was agreed to.

Mr. Purman moved that in line 3, Section 2, the word "seven" be stricken out and "six" inserted;

Which was agreed to.

Mr. Smithson moved that in Section 2, the word "gold" be stricken out, and the words "lawful money of the United States" be inserted.

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

On which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Krimminger, Meacham, Pearce, Purman and Walls—7.

Nays—Messrs. Crawford, Ginn, Hillyer, Katzenberg, Moragne, McCaskill, Smithson and Weeks—8.

So the motion was not laid on the table.

Upon the adoption of the amendment offered by Mr. Smithson the yeas and nays were called for.

The vote was:

Yeas—Messrs. Crawford, Ginn, Katzenberg, Moragne, McCaskill, Smithson and Vaughan—7.

Nays—Messrs. Atkins, Bradwell, Cruse, Hillyer, Krimminger, Meacham, Pearce, Purman, Smith and Walls—9.

So the amendment proposed was not adopted.

Mr. McCaskill moved that the word "Governor," in section 2, be stricken out and the word "Comptroller" inserted;

Which was not agreed to.

Upon the question shall the section, as amended, be adopted, the vote was:

Yeas—Mr. President pro tem., Messrs. Bradwell, Cruse, Hillyer, Krimminger, Meacham, Pearce, Purman, Smith and Walls—10.

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

So section 2, as amended, was adopted.

Mr. McCaskill moved to amend section 4 by striking out, in line 5, the words "a rate not less than seventy-five cents" and insert the words "at not less than par value;"

Upon which the yeas and nays were called for.

The vote was:

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

Nays—Mr. President pro tem., Messrs. Bradwell, Cruse, Hillyer, Krimminger, Meacham, Pearce, Purman, Smith and Walls—10.

So the Senate refused to adopt the amendment.

Mr. Smithson moved to strike out in line 5, Sec. 4, the words "seventy-five" and insert the word "eighty;"

Which was agreed to.

Mr. McCaskill moved to strike out Sec. 6;

Which was agreed to.

Mr. Purman moved to strike out Sec. 7;

Which was agreed to.

Mr. Purman moved to strike out in Sec. 8, after the word "Comptroller," the words "prior to the 1st July, A. D. 1870;" also, after the word "certificates," the words "issued prior to the said date;"

Which was agreed to.

Mr. McCaskill moved to strike out in Sec. 2 of the bill, the word "Governor."

The President ruled that the motion was out of order.

Upon the adoption of the bill as amended as a whole, the yeas and nays were called for.

The vote was:

Yeas—Mr. President pro tem., Messrs. Bradwell, Cruse, Hillyer, Krimminger, Meacham, Pearce, Purman, Smith and Walls—10.

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

So the bill as amended as a whole was adopted.

Mr. Hillyer moved that the rule be waived, and the bill as amended be read the third time and put upon its passage;

Upon which the yeas and nays being called for.

The vote was:

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

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

Less than two thirds voting in the affirmative, the Senate refused the third reading of the bill.

On motion of Mr. Smith, the bill was placed among the orders of the day for its third reading on to-morrow 10 o'clock, A. M.

The bill was ordered to be engrossed for its third reading.

The following communication was received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., June 2, 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. 5, to be entitled "An Act to decrease the expenses of the State, and to regulate the fees of officers."

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

Which was read.

And the accompanying Assembly bill placed among the orders of the day.

Mr. Meacham, Chairman of a Special Committee, made the following report:

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

To the President of the Senate:

SIR: Your Committee, to whom has been referred Assembly

bill No. 2, beg leave to report that they have carefully examined the same and recommend its passage.

Very respectfully,

R. MEACHAM, Chairman.

Which was read.

Mr. McCaskill of the same Committee made the following report:

The undersigned, member of your special committee to whom was referred an act to alter and amend an act entitled an act to perfect the public works of the State, approved June 24th, 1869, begs leave to

REPORT:

That, after giving the matter all the deliberation that the information in his possession would permit, has deliberately come to the conclusion that the extension of time asked for is unnecessarily long, and that there is no satisfactory reason given to show that the road cannot be completed to the Apalachicola river by the 1st day of October, and therefore dissents from the chairman of your committee and recommends that the 1st of January be stricken out of said bill and the 1st of October inserted, and with this amendment recommends its passage.

All of which is respectfully submitted.

A. L. McCASKILL.

Which was read.

The following communications were received from the Assembly:

ASSEMBLY HALL,
Tallahassee, Fla., June 2, 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 relative to establishing a Custom House and making a Port of Entry and Delivery at Charlotte Harbor.

Very respectfully,

WM. FORSYTH BYNUM,
Clerk of the Assembly.

ASSEMBLY HALL,
Tallahassee, Fla., June 2, 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 relative

to establishing a Mail Route from Leesburg in Sumter county to the county site of Manatee county.

Very respectfully,

WM. FORSYTH BYNUM,

Clerk of the Assembly.

Which were read and the accompanying resolutions placed among the orders of the day.

Upon the question, shall the report of the Chairman of the Committee to whom was referred Assembly bill No. 2 be adopted, the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bradwell, Cruse, Hillyer, Katzenberg, Krimming, Meacham, Pearce, Purman and Smithson—9.

Nays—Messrs. Atkins, Crawford, Ginn, Henderson, McCaskill, Walls and Weeks—7.

So the report was adopted.

On motion of Mr. Purman, Assembly bill No. 2, an act to alter and amend an act approved Jan'y 28, 1870, entitled an act to alter and amend an act entitled an act to perfect the public works of this State, approved June 24, 1869, was taken up and read the second time.

Mr. McCaskill moved to strike out Sec. 2 of the bill.

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

Which was agreed to.

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

The vote was:

Yeas—Messrs. Bradwell, Cruse, Hillyer, Katzenberg, Krimming, Meacham, Pearce, Purman and Walls—9.

Nays—Messrs. Atkins, Crawford; Ginn, Henderson, McCaskill and Weeks—6.

So the bill passed—title as stated.

Ordered that the same be certified to the Assembly.

On motion of Mr. McCaskill, the Senate took a recess until fifteen minutes to 8 o'clock, P. M.

7.45 O'CLOCK, P. M.

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. Bradwell, Crawford, Krimming, McCaskill, Pearce and Smithson—7.

The President announced that there was no quorum.

Mr. Bradwell moved the call of the Senate;

Which was agreed to.

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

Mr. President pro tem., Messrs. Bradwell, Crawford, Krimming, McCaskill, Pearce and Smithson—7.

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

A quorum appearing, on motion of Mr. Bradwell, further proceedings under the call were dispensed with.

On motion of Mr. Bradwell, Mr. Smithson was excused from farther attendance in the Senate.

The committee, Messrs. Hillyer, Wentworth and Meacham, appointed on yesterday to draft rules of procedure and practice in the Senate, while sitting as a Court of Impeachment, submitted the following:

GENERAL RULES OF THE SENATE FOR THE TRIAL OF JAMES T. MAGBEE, JUDGE, &C.

I. The President of the Senate shall direct all necessary preparations in the Senate Chamber for the purpose of trying an impeachment.

II. The Chief Justice shall direct all matters of form while the Senate is sitting in the trial of Impeachment, and all forms of process necessary to be used during the trial, unless otherwise specially provided by the Senate.

III. The Sergeant-at-arms of the Senate shall be the messenger of the Senate during the trial, and it shall be his duty to serve all process and discharge such duties as may be prescribed by the Senate, and his return upon process or orders served or executed by him shall be upon oath.

IV. The person impeached shall be called to answer the Articles of Impeachment exhibited against him, and may waive service of any process upon him. He may appear in person and by such attorneys as he may designate, whose appearance shall be entered in the minutes. He may, while appearing by attorney, absent himself during any portion of the trial unless otherwise ordered by the Senate. If he fail to appear either in person or by attorney at any time when he shall have been duly notified to appear, or at any time to which the Senate shall have adjourned for the purpose of proceeding with the trial, the Senate may proceed with the trial in his absence.

V. The following oath (having been administered to the Senators present,) shall be administered by the Chief Justice to Senators who shall appear and sit upon the trial:

"I do solemnly swear that in all things appertaining to the trial of the impeachment of _____, I will do impartial justice according to the Constitution and laws; so help me God."

VI. Witnesses shall be sworn in the following form:

"You do solemnly swear (or affirm) that the evidence you shall give in the case now depending between the State of Florida and _____ shall be the truth, the whole truth, and nothing but the truth, so help you God," which oath shall be administered by the Chief Justice.

VII. All motions shall be addressed to the Chief Justice, and if he require it, or if it be required by the managers on the part of the Assembly, or by the respondent, shall be reduced to writing, except motions to adjourn. Every determination of a motion is deemed an order. The yeas and nays may be demanded by two Senators or ordered by the Chief Justice upon any motion.

VIII. Motions may be debated by the managers or by counsel or by the respondent, but upon all motions but one of the managers or counsel shall be permitted to speak, except by consent of the Senate; and saving that motions to adjourn shall not be debated, suggestions relating to the time to which an adjournment is moved may be heard.

IX. Senators shall not debate any question during the trial, but when a question shall be submitted by the managers or by counsel, and a majority of the Senators present shall, by rising, indicate a desire to deliberate before voting, they may order the chamber to be cleared of all other persons, or withdraw to another apartment for consultation.

X. Witnesses shall be examined by the party producing them and may then be cross-examined in the usual form. Senators may propound questions in writing, to be read by the Secretary or the Chief Justice. Objections to questions shall be deemed motions and disposed of as such.

XI. If a Senator be called as a witness, he shall be sworn and give his testimony standing in his place.

XII. The case on each side shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered,) and the argument shall be opened and closed on the part of the managers; *provided* that if there be no evidence submitted on the part of the respondent, he may have the concluding argument.

XIII. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present, (a quorum of the Senate being present,) a judg-

ment of acquittal shall be entered; but if the person accused in such articles shall be convicted upon any of said articles by the votes of two-thirds of the members present, (a quorum of the Senate being present,) the Senate shall proceed to pronounce judgment, and a copy of such judgment shall be forthwith filed in the office of the Secretary of State, and the Governor notified thereof.

XIV. Proclamation shall be made of the opening of the proceedings at each meeting of the Senate during the trial, by the Sergeant-at-arms, as follows:

"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."

XV. Contempts against the authority and good order of the Senate during the trial may be summarily disposed of by an order to be adopted by the Senate at any time before the conclusion of the trial and the entry of the final judgment.

XVI. Subpœnas for witnesses may be issued by the Clerk of the Supreme Court under the seal of said Court, returnable at such time as may be designated by the managers or by the respondent, and shall be substantially in the form of those prescribed upon the trial of President Johnson, and may be served by the messenger, or by the Sheriff of the county where witnesses may be found.

Which were, on motion of Mr. Hillyer, adopted.

PROCEEDINGS OF THE SENATE SITTING AS A COURT OF IMPEACHMENT.

The Chief Justice entered the Senate Chamber and took the chair.

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, Walls and Wentworth—18.

By order of the Chief Justice, the Sergeant-at-Arms made the following proclamation:

"Hear ye! Hear ye! All persons are commanded to keep silence, while the Senate of the State of Florida is sitting for the trial of the Articles of Impeachment exhibited by the Assembly against James T. Magbee, Judge of the Sixth Judicial Circuit of Florida."

The Managers of the Impeachment on the part of the Assembly appeared and took their seats within the bar.

The Respondent was called and appeared by his counsel, D. P. Holland and J. P. C. Emmons.

The Respondent by his counsel filed the following plea:

In the matter of the Impeachment of James T. Magbee, Judge of the Sixth Judicial Circuit of the State of Florida, charged with high crimes, misdemeanors, and incompetency in office.

Before the Honorable, the Senate of the State of Florida, sitting as a Court of Impeachment.

And the said James T. Magbee, Judge of the Sixth Judicial Circuit of the State of Florida, by his attorneys D. P. Holland and J. P. C. Emmons, comes here into Court, and praying leave of the Court to save and reserve to himself the same right of objection to all or any of the Articles of Impeachment against him preferred by the Honorable the Assembly of said State, which he might or would have in case a demurrer to the same were here filed, and not confessing or admitting either the constitutional right of the Honorable the Assembly in the premises, or the sufficiency in law of any of the said Articles of Impeachment for the purposes intended, says he is not guilty of the said supposed high crimes, misdemeanors and incompetency in office, or any of them, in manner and form as the Honorable the Assembly aforesaid, in and by the said Articles of Impeachment has complained against him. By

D. P. HOLLAND,
J. P. C. EMMONS.

JAMES T. MAGBEE,
Judge of the Sixth Judicial Circuit.

STATE OF FLORIDA, }
 } SS.
COUNTY OF LEON. }

James T. Magbee, Judge of the Sixth Judicial Circuit of the State aforesaid, being by me duly sworn, says that he has heard read the above plea, and that the same is true.

JAMES T. MAGBEE,
Judge Sixth Judicial Circuit of Florida.

Subscribed and sworn before me this first day of June, 1870.
E. M. RANDALL, C. J.

By order of the Chief Justice the same was filed.

Mr. manager McKinnon asked permission to file an application for continuance, returnable at the next regular session;

Which was objected to by respondent.

The Chief Justice decided that the Senate must consider whether they would grant leave to file the motion, and for the purpose of consultation,

On motion of Mr. Wentworth, the Senate Chamber was ordered to be cleared.

After consultation, the doors were opened, and Mr. Wentworth moved that the application for continuance on the part of the managers be heard;

On which the vote of the Senate was ordered, and being taken resulted yeas 18, as follows:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Hillyer, Katzenberg, Meacham, Moragne, McCaskill, Pearce, Purman, Smith, Smithson, Walls, Weeks and Wentworth—18.

Nays—None.

The application for continuance was read by Mr. manager McKinnon, as follows:

*To the Senate of Florida
sitting as a Court of Impeachment:*

And now, on this 2d day of June, in the year 1870, the managers on the part of the Assembly, after hearing the answer of the respondent, James T. Magbee, Judge of the Sixth Judicial Circuit of the State of Florida, to the Articles of Impeachment exhibited against him by said Assembly, respectfully represent to this honorable Court, that in their opinion they cannot safely further progress with this case without conferring with the witnesses, some of whom live a great distance off, and it will probably require twenty or thirty days to get them here; that they were not informed that the Senate would sit as a Court of Impeachment for the trial of this case at this session until yesterday, since which time they have made such preparation as the circumstances of the case would allow; that they are exceedingly anxious that the accused should have a speedy and impartial trial, but do not believe that justice can be done the State if further proceedings are had before they can have a consultation with said witnesses; that they do not make this application for time for the purpose of delay only, but that justice may be done alike to the State and accused.

D. L. MCKINNON,
Ch'n Committee of Managers.

Upon the question, shall the managers have leave to file their application for continuance?

The vote of the Senate being taken resulted yeas 16, nays 1, as follows:

Yeas—Messrs. Atkins, Bradwell, Crawford, Cruse, Ginn, Hillyer, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Smith, Smithson, Walls, Weeks and Wentworth—16.

Nay—Mr. Pearce—1.

So the application for continuance was granted.

Mr. Wentworth moved that the Secretary of the Senate be directed to furnish to each of the managers and to the respon-

dent and his counsel a copy of the rules of procedure and practice adopted by the Senate sitting on the trial of the impeachment of the respondent;

Which was agreed to.

Mr. Purman moved that the Senate, sitting upon the trial of the impeachment, adjourn till the first day of the next regular session of the Legislature;

Which was agreed to, and the Chief Justice thereupon declared the Senate sitting for the trial of the impeachment adjourned to the time named, and vacated the chair.

The Senate resumed its session.

The President pro tem. in the chair.

On motion of Mr. Henderson, the Senate adjourned until 10 o'clock, to-morrow.

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• FRIDAY, June 3d, 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. Atkins, Bradwell, Crawford, Cruse, Ginn, Henderson, Katzenberg, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, Smithson and Walls—16.

A quorum present.

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

Mr. Henderson arose and desired to be informed by the Secretary whether he had transmitted, as directed, to the President of the United States and Secretary of the Interior the resolution adopted by the Senate on Wednesday relative to the Agricultural Land Scrip.

The Secretary answered that he had done so.

Mr. Henderson moved that a special committee be appointed to consider of the necessity of making an appropriation for engraving Comptroller's Warrants, with discretion to consider the propriety of lithographing such warrants, with instructions to report by bill;

Which was agreed to, and the President appointed Messrs. Pearce, Krimminger, Crawford, Henderson and Bradwell said committee.

Mr. McCaskill offered the following:

Senate joint resolution No. 1, relative to establishing a weekly Mail Route between Pensacola, in Escambia county, and Freeport, in Walton county;

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

The vote was:

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

Nays—None.

So the resolution was adopted.

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.

Mr. Weeks offered the following amendment:

In section 24 strike out the word "June" and insert the word "July;"

Which was agreed to.

The reading of the bill was suspended and the Committee on Engrossed Bills made the following report:

SENATE CHAMBER,
Tallahassee, Fla., June 3d, 1870. }

TO THE PRESIDENT OF THE SENATE:

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

Substitute for Senate bill No. 2, a bill to be entitled an act relating to the Finances of this State, beg leave to report that they have carefully examined the same and find it correctly engrossed.

G. B. SMITHSON,
WM. BRADWELL,
S. KATZENBERG,
J. A. ATKINS.

Which was read and the accompanying Senate bill No. 2, an act relating to the Finances of this State, was taken up and read the third time.

Upon the question, shall the bill pass?

The vote was:

Yeas—Mr. President pro tem., Messrs. Bradwell, Cruse, Krimminger, Meacham, Pearce, Purman, Smith and Walls—9.