

An act to Incorporate the Black Creek Navigation Company;  
 Concurrent Resolution Relating to the Island of Cuba;  
 An act to Facilitate Cash Payment of the Current Expenses  
 of the State Government.  
 The Senate adjourned.

THURSDAY, February 15, 1872.

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:

Messrs. Adams, Atkins, Crawford, Dennis, Eagan, Ginn, Henderson, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, McCaskill, Sutton, Weeks and Wentworth—17.

A quorum present.

The reading of the journal was dispensed with.

A message from the Assembly:

ASSEMBLY HALL,

Tallahassee, Fla., February 15, 1872.

Hon. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: I am directed to inform you that the Assembly has passed Senate Bill No. 33, to be entitled An act to Provide for the Enforcement of Judgments against Insolvent Corporations.

Very respectfully,

M. H. CLAY,

Clerk of the Assembly.

The following bills were then read the first time by their titles:

Assembly Bill No. 89:

A bill to Provide for the Punishment of Assault, Assault and Battery and Assault With Intent to Kill;

Which was referred to Committee on Judiciary.

Assembly Bill No. 114:

An act to be entitled An act to Protect Any Property Legally Held and Possessed on Unsurveyed Lands Belonging to the Government of the United States.

The bill was then referred to the Committee on Judiciary.

Assembly Bill No. 88:

A bill entitled An act to Commute Punishment in Capital Cases;

Which was referred to Committee on Judiciary.

Assembly Bill No. 2:

An act to Incorporate the Tallahassee and Georgia Railroad and Steam Transportation Company;

Which was referred to Committee on Railroads.

Assembly Bill No. 105 :

An act to be entitled An act to amend An act to Provide for the Publication of Official and Legal Advertisements in the Several Judicial Circuits of this State;

Which was referred to Committee on Judiciary.

Substitute for Assembly Bill No. 59 :

To be entitled An act Making Appropriations for Defraying the Expenses of the State Government for the year 1872;

Which was ordered placed among the orders of the day for a second reading.

Mr. Wentworth, Chairman Committee on Engrossed Bills, made the following report :

SENATE CHAMBER,

Tallahassee, Fla., February 15, 1872.

HON. LIBERTY BILLINGS, President *pro tem.* of the Senate :

SIR: Your committee, to whom was referred Assembly Bill No. 6, a bill to be entitled An act of Limitations in Civil Suits. Amendments to Assembly Bill No. 106, a bill to be entitled An act for the Protection of all Classes of Persons Against Discrimination in Public Conveyances in Pursuance of the Provisions of the Constitution of this State. Substitute for Senate Bill No. 21, An act to Amend Chapter 1726 of the Laws of Florida, having examined the same, find them correctly engrossed.

Very respectfully,

GEO. E. WENTWORTH, Chairman,

L. G. DENNIS.

R. W. ADAMS,

E. G. JOHNSON.

Mr. Locke, of the Committee on Commerce and Navigation, made the following report :

SENATE CHAMBER, February 15, 1872.

HON. LIBERTY BILLINGS, President *pro tem.* of the Senate :

SIR: The undersigned, a member of the Committee on Commerce and Navigation, would most respectfully present the following as a minority report on Assembly Bill No. 83, relating to pilotage.

The second section of the proposed bill subjects all vessels to pay the rates therein provided to any pilot who may perform duty on board said vessel or "the pilot who shall first speak to any steamer or vessel."

This provides that every vessel employing a pilot or not shall be compelled to pay the full pilotage; the only exceptions to this rule is that vessels drawing less than six feet shall be exempt,

and those steamers carrying the U. S. mails shall only pay half pilotage under any circumstances.

These provisions, while appearing to protect pilots, cut off half their earnings while serving on the mail steamers, but taxes all other vessels drawing over six feet of water with full charges of pilotage, whether any pilot is employed or not, thereby oftentimes working hardship to commerce and transient vessels without a return of services rendered, therefore discriminating unjustly between different classes of vessels.

Wherefore I recommend the bill do not pass.

Very respectfully,  
 JAS. W. LOCKE,  
 Member of Committee on Commerce and Navigation.

**Assembly Bill No. 73 :**

A bill to be entitled An act Relating to the Duties of Sheriffs and their Deputies.

Was taken up on its second reading, read by sections, and ordered placed among the orders of the day for its third reading.

**Assembly Bill No. 24 :**

An act to alter and amend sections 12, 13 and 14 of An act approved August 6, 1868, entitled An act to Provide for Organizing and Disciplining the Militia of the State,

Was taken up on its second reading, read by sections, and ordered placed among the orders of the day for its third reading.

**Senate Bill No. 58 :**

A bill to Define the Duties of the Commissioner of Lands and Immigration,

Was then taken up on its second reading and read by sections.

Mr. Henderson moved to strike out section 3 ;

Which was agreed to.

Mr. Henderson moved that the further consideration of the bill be indefinitely postponed ;

Which was agreed to.

And the bill was indefinitely postponed.

Mr. McCaskill introduced a memorial to the Congress to refund the amount of cotton tax collected throughout the Southern States during the years 1865, '66, and '67.

Mr. McCaskill moved that the rules be suspended and that the memorial be adopted.

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Eagan, Ginn, Henderson, Jenkins, Johnson, Kendrick, McKinnon, Meacham, McCaskill, Purman, Sutton and Weeks—15.

Nays—None.

So the memorial was adopted.

Mr. Parman introduced the following

MEMORIAL TO CONGRESS.

*Whereas*, the bonds of the Union Bank issued under An act of the Territorial Council of Florida, dated February 5th, 1838, have been virtually repudiated by the State of Florida, and no provision has been made for the payment of the interest and principal of said bonds, notwithstanding the obligation of Florida as a Territory pledging the payment of the same;

*And whereas*, the Congress of the United States gave its assent to said act, by not repealing the charter of said bank, as granted by the Territorial Council of Florida; Now therefore, be it

*Resolved by the People of the State of Florida, Represented in Senate and Assembly*, That our Senators and Representative in Congress be instructed to call the attention of the Senate and House of Representatives of the Congress of the United States to the liability of the United States for the bonds of the Union Bank of the Territory of Florida, and ask of said Congress a full investigation of the transactions and liabilities of the said Union Bank; and if the United States shall be found liable directly or indirectly for the bonds of said Union Bank, then the said Congress is hereby memorialized to make the necessary appropriation to liquidate said bonds.

2d. *Be it further resolved*, That the Secretary of State of the State of Florida is hereby directed to transmit with this memorial such papers as may contribute to throw light upon the subject-matter of this memorial, and to furnish to Congress all the information possible in the investigation of the same, and such papers shall be deemed as a portion of this memorial;

3d. *Be it further resolved*, That the Secretary of State is hereby authorized and directed to transmit a copy of this memorial to the Congress of the United States, through our Senators and Representative therein;

Which was read and ordered to be spread upon the journal.

Mr. Henderson objected to its reception.

Mr. Jenkins, Chairman of Special Committee on Rules of Procedure and Practice in the Senate when sitting on trial of impeachment, made the following report:

SENATE CHAMBER,

Tallahassee, Fla., February 15, 1872.

Hon. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: Your committee, appointed to prepare rules of procedure and practice in the Senate when sitting on trials of impeachment,

respectfully submit the accompanying rules which have been carefully considered, and recommend that they be adopted.

Yours very respectfully,

HORATIO JENKINS, Chairman.  
J. W. LOCKE.  
GEO. E. WENTWORTH,  
W. H. KENDRICK,  
JOHN A. HENDERSON,  
W. T. WEEKS.

Mr. Jenkins moved that the rules of procedure and practice of the Senate when sitting on trials of impeachment as reported by committee, be and the same are hereby adopted for the trial of Harrison Reed, Governor, except so far as proceedings have already been had in said case;

Which was adopted.

Mr. Hillyer, Chairman of Committee on Claims, made the following report:

SENATE CHAMBER,  
Tallahassee, Fla., February 15, 1872.

Hon. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: Your committee, to whom was referred Senate Bill No. 19, An act for the Relief of R. Mellville Jack, having examined the same, recommend that it do not pass.

Very respectfully,

C. V. HILLYER, Chairman,  
W. H. KENDRICK,  
ROBERT MEACHAM,  
J. H. SUTTON,  
R. W. ADAMS.

Mr. Henderson moved that the bill be indefinitely postponed; Which was agreed to, and the further consideration of the bill was postponed indefinitely.

Mr. Hillyer, chairman Committee on Claims, made the following report:

SENATE CHAMBER,  
Tallahassee, Fla., February 15, 1872.

Hon. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: Your committee, to whom was referred Assembly Bill No. 84, a bill for the Relief of Benjamin Saxon, having examined the same, recommend that it do pass.

Very respectfully,

CHAS. V. HILLYER, Chairman,  
W. H. KENDRICK,  
HORATIO JENKINS,  
ROBERT MEACHAM,  
J. H. SUTTON,  
R. W. ADAMS.

**Assembly Bill No. 84 :**

A bill for the Relief of Benjamin Saxon,  
Was taken up on its second reading, read by sections, and  
placed among the orders of the day for its third reading.

Mr. Kendrick moved a suspension of the rules, and that the  
bill be read the third time.

The rules were suspended.

The bill was taken up on its third reading, read at large, and  
put upon its final passage.

Upon the question, Shall the bill pass ?

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Egan, Ginn, Hen-  
derson, Hill, Jenkins, Johnson, Kendrick, Locke, McKinnon, Mc-  
Caskill, Pearce, Purman, Sutton, Weeks, and Wentworth—19.

Nays—None.

So the bill passed, title as stated, and the Secretary directed  
to have the same certified to the Assembly.

Message from the Assembly:

ASSEMBLY HALL,

Tallahassee, Fla., February 15, 1872.

HON. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: I am directed to inform you that the Assembly has  
adopted Assembly substitute for Senate Concurrent Resolution  
Fixing Day of Adjournment, and respectfully ask the concur-  
rence of the Senate therein.

Very respectfully,

M. H. CLAY,

Clerk of the Assembly.

**Substitute for Senate Bill No. 50 :**

An act entitled An act to Provide for the Punishment of  
Crimes and Misdemeanors.

Was taken up on its second reading, read by sections, and or-  
dered placed among the orders of the day for a third reading.

Mr. Wentworth, chairman Committee on Engrossed Bills,  
made the following report:

SENATE CHAMBER,

Tallahassee, Fla., February 15, 1872.

HON. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: Your committee, to whom was referred substitute for  
Assembly Bill No. 61, entitled An act to Incorporate the River-  
side Land and Improvement Company, having examined the  
same, find it correctly engrossed.

Very respectfully,

GEO. E. WENTWORTH, Chairman,

L. G. DENNIS,

R. W. ADAMS,

E. G. JOHNSON.

**Assembly Bill No. 55 :**

A bill to be entitled An act to Authorize George M. Whetstone to Erect a Dam for Milling Purposes and a Toll Bridge Across Santa Fe River,

Was taken up on its second reading, read by sections, and placed among the orders of the day.

**Assembly Bill No. 75 :**

A bill to Incorporate the Ladies Aid Association of the City of Jacksonville and State of Florida.

Mr. Henderson moved that the rules be suspended and the bill be read the third time.

The rules were suspended.

The bill was taken up on its third reading, read by sections, and put upon its final passage.

Upon the question, Shall the bill pass ?

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Eagan, Ginn, Henderson, Hill, Jenkins, Johnson, Kendrick, McKinnon, McCaskill, Pearce, Weeks and Wentworth—15.

Nays—None.

So the bill passed, title as stated, and the Secretary ordered to certify the same to the Assembly.

Substitute for Senate Bill No. 75.

Mr. Eagan moved that the bill be printed ;

Which was agreed to, and the bill was ordered to be printed.

Substitute for Senate bill No. 21 :

An act to amend section 2, of chapter 1726 of the Laws of Florida.

The bill was taken up on its third reading, read by sections, and put upon its final passage.

Upon the question, Shall the bill pass ?

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Eagan, Ginn, Hill, Jenkins, Johnson Locke, Meacham, Pearce, and Wentworth—12.

Those voting in the negative were—

Messrs. Henderson, Kendrick, McCaskill, Sutton, and Weeks—5.

So the bill was passed.

Mr. Locke moved to change the title as follows :

After laws of Florida add "defining the duties of State Attorneys, and authorizing the Circuit Judge to appoint acting State Attorneys ;"

Which was agreed to, and the title changed as stated, and the Secretary was directed to certify the same to the Assembly.

Mr. Wentworth moved that the bill be printed, that the Secretary shall limit such printing to forty copies ;

Which was agreed to.

Mr. Henderson moved that Assembly Bill No. 6 be made the special order of the day at 4 o'clock;

Which was agreed to.

Mr. Wentworth, chairman of Committee on Railroads, made the following report:

SENATE CHAMBER,  
Tallahassee, Fla., Feb. 15, 1872.

Hon. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: Your committee, to whom was referred Assembly Bill No. 2, to be entitled An act to Incorporate the Tallahassee and Georgia Railroad and Steam Transportation Company, having examined the same, recommend that it do pass.

Very respectfully, GEO. E. WENTWORTH, Chairman.

D. EAGAN,

H. JENKINS,

W. T. WEEKS,

W. J. PURMAN.

Senate Bill No. 52:

An act to amend an act entitled An act to Organize the Southern Inland Navigation and Improvement Company.

Mr. Wentworth moved the further consideration of the bill be postponed until Wednesday next;

Which was agreed to.

Substitute for Senate Bill No. 76:

A bill to be entitled An act in Relation to the Bond of the State Treasurer.

The bill was taken up on its third reading, read by sections, and put upon its final passage.

Upon the question, Shall the bill pass?

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, Hill, Jenkins, Johnson, Kendrick, McKinnon, Meacham, McCaskill, Pearce, Purman, Sutton and Weeks—16.

Nays—None.

So the bill passed, title as stated, and the Secretary directed to certify the same to the Assembly.

### HIGH COURT OF IMPEACHMENT.

The hour of 12 m. having arrived, the Chief-Justice took the chair.

The Sergeant-at-arms made the following proclamation:

Hear ye! 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 articles of impeachment exhibited by the Assembly against Harrison Reed, Governor of Florida.

Mr. Jenkins offered the following order:

Ordered that the Secretary of the Senate immediately notify the Assembly that the Senate is now ready to receive the managers appointed on their part to conduct the impeachment against Harrison Reed, Governor, for the purpose of exhibiting the articles of impeachment;

Which was adopted.

Committee of managers from the Assembly: Messrs. Graham, Gleason, Boyd, Butler, Hyers, Cessna, Gillis, then appeared at the bar of the Senate.

Mr. Henderson offered the following order:

Ordered that the Sergeant-at-arms be instructed to furnish the Chief-Justice with the Senate and Assembly journals containing all the proceedings had relative to the impeachment of Harrison Reed, Governor of Florida, at the present session;

Which was adopted.

Mr. Jenkins moved that the rules adopted by the Senate be the rules to govern this Court, excepting only such action as has already been taken.

RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON THE TRIAL OF IMPEACHMENT.

I. The Senate shall, at 12 o'clock meridian of the day (Sundays excepted) following the presentation of the articles of impeachment, or sooner, if so ordered by the Senate, proceed to organize a high court of impeachment, and to consider such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may in its judgment be needful. The following oath of office shall be administered to the Chief-Justice, or other presiding officer as designated by the Constitution, by any lawfully qualified judge or magistrate:

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 the laws. So help me God.

The same form of oath shall then be administered by the presiding officer to each Senator present, and to other Senators as they shall appear.

II. On opening the high court of impeachment on every day or session thereof, the Sergeant-at-arms shall make proclamation as follows:

Hear ye! 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 articles of impeachment exhibited by the Assembly against \_\_\_\_\_.

III. The presiding officer shall have power to make and issue by himself, or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

IV. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts and judgments, to preserve order and to punish in a summary way contempts of and disobedience to its authority, orders, mandates, writs, precepts or judgments, and to make all lawful orders, rules and regulations, which it may deem essential or conducive to the ends of justice. And the Sergeant-at-arms, under direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute and carry into effect the lawful orders, mandates, writs and precepts of the Senate.

V. The presiding officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer upon the trial shall direct all the forms of proceeding while the Senate is sitting for the trial of an impeachment, not otherwise especially provided for. The presiding officer shall submit to the decision of the Senate, without a division, all questions of law and of evidence and all incidental questions, but the same shall, on demand of any three members present, be decided by yeas and nays.

VI. Upon the presentation of the articles of impeachment and the organization of the court, a writ of summons shall issue to the accused, reciting said articles, and notifying him to appear before the Senate upon a day to be fixed by the Senate and named in said writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon, which writs shall be served by such officer or person as shall be named in the precept thereof such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person accused, or if that cannot be done, by leaving such copy at the last known place of abode of such person or at his usual place of business in some conspicuous place therein; and if the writ shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the accused, after service, shall fail to appear either in person or by attorney, on the day so fixed

therefor as aforesaid, or shall fail to file his answer at the time required to such articles of impeachment, the trial shall proceed; nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered judgment shall be taken without further proceedings.

VII. At 12.30 o'clock, meridian, of the day appointed for the return of the summons against the person impeached, the Legislative and Executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the following form:

"I, \_\_\_\_\_ do solemnly swear that the return made by me upon the process issued on the \_\_\_\_\_ day of \_\_\_\_\_, by the Senate of Florida, against \_\_\_\_\_ is truly made, and that I have performed such service, as therein described: So help me God." Which oath shall be entered at large on the records.

VIII. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself or by agent or attorney, naming the person appearing, and the capacity in which he appears. If he do not appear, either personally or by agent or attorney, the same shall be recorded.

IX. At twelve o'clock and thirty minutes in the afternoon of the day appointed for the trial of an impeachment the Legislative and Executive business of the Senate shall be suspended, and the Secretary shall give notice to the Assembly that the Senate is ready to proceed upon the impeachment of \_\_\_\_\_ in the Senate Chamber.

X. The hour of the day at which the Senate shall sit upon the trial of an impeachment, shall be (unless otherwise ordered) twelve o'clock m., and when the hour for such sitting shall arrive, the presiding officer of the Senate shall so announce; and thereupon the presiding officer of the Senate upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

XI. The Secretary of the Senate shall record the proceedings in cases of impeachment, as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XII. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

XIII. All motions made by the parties or their counsel shall be addressed to the presiding officer, and if he, or any Senator shall require it, they shall be committed to writing, and read at the Secretary's table.

XIV. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

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

XVI. If a Senator wishes a question to be put to a witness, or to offer a motion or order, (except a motion to adjourn,) it shall be reduced to writing, and put by the presiding officer.

XVII. At all times while the Senate is sitting upon the trial of an impeachment, the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions.

XVIII. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour on each side, unless the Senate shall, by order, extend the time.

XIX. 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 by the Senate, upon application for that purpose,) and the argument shall be opened and closed on the part of the Assembly.

XX. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment 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 judgment of acquittal shall be entered; but if the person accused in such articles of impeachment shall be convicted upon any of said articles, by the votes of two-thirds of the members present, the Senate shall proceed to pronounce judgment, and a certified copy of such judgment shall be deposited in the office of the Secretary of State.

XXI. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, except when the doors shall be closed for deliberation, and in that case no member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by three (3) of the members present.

XXII. Witnesses shall be sworn in the following form, namely: "You, \_\_\_\_\_, do swear (or affirm, as the case may be,) 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 secretary or any other duly authorized person.

Form of subpoena to be issued on the application of the man-

Amended  
522  
3/7

agers of the impeachment, or of the party impeached, or of his counsel:

To \_\_\_\_\_:

You and each of you are hereby commanded to appear before the Senate of the State of Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, at the Senate Chamber, in the city of Tallahassee, then and there to testify your knowledge in the cause which is before the Senate, in which the Assembly have impeached

Fail not.

Witness \_\_\_\_\_, and presiding officer of the Senate, at the city of Tallahassee, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_.

Form of direction for the service of said subpoena:

*The Senate of the State of Florida to \_\_\_\_\_, greeting:*

You are hereby commanded to serve and return the within subpoena according to law.

Dated at Tallahassee, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_.

*Secretary of the Senate.*

Form of summons to be issued and served upon the person impeached:

THE STATE OF FLORIDA, ss:

*The Senate of the State of Florida to \_\_\_\_\_, greeting:*

Whereas the Assembly of the State of Florida did, on the \_\_\_\_\_ day of \_\_\_\_\_, exhibit to the Senate articles of impeachment against you, the said \_\_\_\_\_, in the words following:

[Here insert the articles.]

And demand that you, the said \_\_\_\_\_, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice:

You the said \_\_\_\_\_, are therefore hereby summoned to be and appear before the Senate of the State of Florida, at their chamber, in the city of Tallahassee, on the \_\_\_\_\_ day of \_\_\_\_\_ at twelve o'clock and thirty minutes afternoon, then and there to answer to the said articles of impeachment, and then and there to abide by, obey and perform such orders, directions, and judgments as the Senate of the State of Florida shall make in the premises according to the Constitution and laws of the State of Florida.

Hereof you are not to fail.

Witness \_\_\_\_\_, and presiding officer of the said Senate, at the city of Tallahassee this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_.

Form of precept to be indorsed on said writ of summons:

THE STATE OF FLORIDA, ss:  
*The Senate of the State of Florida, to* \_\_\_\_\_, *greet-*  
*ing:*

You are hereby commanded to deliver to and leave with \_\_\_\_\_, if conveniently to be found, or, if not to leave at his usual place of abode, or at his usual place of business, in some conspicuous, place a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service let it be done at least \_\_\_\_\_ days before the appearance day mentioned in said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness \_\_\_\_\_, and presiding officer of the Senate, at the city of Tallahassee, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord

All process shall be served by the Sergeant-at-arms of the Senate, unless otherwise ordered by the court.

XXIII. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day or hour for resuming such consideration.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Dennis, Eagan, Ginn, Henderson, Hill, Hillver, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—22.

Nays—None.

So the rules were adopted.

Mr. \_\_\_\_\_, of the Committee of Managers, from the Assembly read the following:

Mr. Drew offered the following:

Mr. Chief Justice and Senators, we are instructed by the Assembly, as its managers and counsel, to demand that the High Court of Impeachment do take process against Harrison Reed, Governor of Florida, that he may answer at the bar of the Senate upon the articles of impeachment heretofore preferred by the Assembly through its managers before the Senate.

Mr. Jenkins moved that a summons do issue as required by the rules of procedure and practice in the Senate when sitting on the trial of impeachments to Harrison Reed, Governor, returnable at 8 o'clock p. m. February 15th, A. D. 1872.

The yeas and nays were called for, with the following result:  
 Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Dennis, Eagan Ginn, Henderson, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—22.

Nays—None.

So the order was adopted.

Mr. Henderson moved that three official copies of the rules of practice and procedure in cases of impeachment, be prepared by the chief clerk, and that one be supplied to the Chief-Justice, one to the counsel of the managers and one to the respondent, without delay.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Eagan, Ginn, Henderson, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—21.

Nays—None.

So the motion was adopted.

The committee of managers from the Assembly retired.

Mr. Jenkins moved that the Senate, sitting upon the trial of the impeachment, adjourn to the time at which the summons just ordered is returnable.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Dennis, Eagan, Ginn, Henderson, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—22.

Nays—None.

So the motion was adopted.

The following proclamation was made by the Sergeant-at-arms:

Hear ye! Hear ye! Hear ye! The Senate of the State of Florida sitting as a high court of impeachment, now stands adjourned till 8 o' clock p. m.; God save the State of Florida and this Hon. Senate.

The court then stood adjourned till 8 p. m.

The Senate then resumed its session.

Substitute for Assembly Bill No. 6;

A bill to be entitled An act of Limitations in Civil Suits;

Was placed on its third reading, read at large, and placed upon its final passage.

Upon the question, Shall the bill pass?

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Ginn, Henderson,

Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, Pearce, Sutton and Wentworth—15.

Nays—None.

So the bill passed, title as stated, and the Secretary directed to have the same engrossed and certified to the Assembly.

Assembly Bill, No. 53 :

An act to Incorporate the Fire Department of St. Augustine.

The bill was taken up on its third reading, read at large, and put upon its final passage.

Upon the question, Shall the bill pass ?

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Billings, Crawford, Dennis, Ginn, Henderson, Hillyer, Jenkins, Johnson, Locke, Meacham, Pearce, Sutton, Weeks and Wentworth—15.

Mr. Atkins voting in the negative.

So the bill passed, title as stated, and the Secretary was directed to have the same certified to the Assembly.

Assembly Bill No. 101 :

A bill Providing for the distribution of the Supreme Court reports.

Was taken up on its third reading, read at large, and put upon its final passage.

Upon the question, Shall the bill pass ?

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Ginn, Henderson, Jenkins, Locke, McKinnon, Meacham, Pearce, Sutton, Weeks and Wentworth—14.

Nays—None.

So the bill passed, titled as stated, and the Secretary directed to have the same certified to the Assembly.

Substitute Assembly Concurrent Resolution to be entitled An act Relating to Comptroller's Warrants and Treasurer's Certificates.

Mr. Locke moved that the bill be put back on its second reading ;

Which was agreed to.

Mr. Locke offered the following amendment :

The Comptroller in issuing any warrant for services rendered, or State indebtedness accrued before the first day of January, A. D. 1872, shall specify that the same is issued on account of services so rendered and indebtedness so accrued, and such warrants shall be held subject to all restrictions of Comptroller's warrants issued before the first of said January, and entitled to none of the privileges of priority of payment of warrants issued since January 1, 1872 ;

Which was adopted.

The bill was then ordered to be engrossed and placed among orders of the day.

Mr Wentworth moved that the rules be suspended, and the bill put upon its third reading.

Adjourned till 4 o'clock p. m.

#### FOUR O'CLOCK P. M.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

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

Messrs. Crawford, Ginn, Henderson, Hill, Jenkins, Kendrick, McKinnon, Meacham, McCaskill, Pearce, Sutton, Weeks and Wentworth—14.

A quorum present.

Senate substitute for Senate Bill No. 50:

An act entitled An act to Provide for the Punishment of Crimes and Misdemeanors.

Mr. Henderson moved a suspension of the rules, and that the bill be read a third time.

The bill was then put up on its third reading, read at large, and put upon its final passage.

Upon the question, Shall the bill pass?

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Crawford, Ginn, Henderson, Jenkins, McKinnon, Meacham, McCaskill, Pearce and Wentworth—9.

Those voting in the negative were—

Messrs. Adams, Hill, Kendrick, Locke, Sutton and Weeks—6.

So the bill passed, title as stated, and the Secretary was directed to certify the same to the Assembly.

Assembly Bill No. 59:

To be entitled An act Making Appropriations for Defraying the Expenses of the State Government for the Year 1872.

Mr. Wentworth moved to suspend its further consideration until 10 o'clock to-morrow morning;

Which was agreed to.

Message from the Assembly:

ASSEMBLY HALL,

Tallahassee, Fla., February 15, 1872.

Hon. LIBERTY BILLINGS, President *pro tem.* of the Senate:

SIR: I am directed to inform you that the Assembly has passed—

Assembly Bill No. 97:

To be entitled An act to Incorporate the Ocklockonee Railway Company;

Assembly Bill No. 74:

To be entitled an act to amend An act Setting Forth Certain Restrictions on the Florida Railroad Company, (now the Atlantic, Gulf and West India Transit Company);

Also:

Senate Bill No. 54:

To be entitled An act to Improve and Make Navigable the Yellow and Shoal Rivers and their Tributaries in Santa Rosa and Walton Counties, with an amendment, and respectfully ask the concurrence of the Senate therein.

Very respectfully,

M. H. CLAY,

Clerk of the Assembly.

Mr. Johnson moved that a committee be appointed to ask the Assembly for the use of the Assembly Hall for the High Court of Impeachment this evening;

Which was agreed to.

The Chair appointed Messrs. Wentworth, Meacham and McCaskill as such committee.

The committee returned, and asked to be discharged.

The committee was then discharged.

Assembly Bill No. 109;

A bill to be entitled An act Allowing the Voters of the Several Counties in this State to Locate their Several County Sites. The bill was then read the third time.

Mr. Henderson moved that the bill be put back on its second reading;

Which was agreed to.

Mr. Henderson moved that the bill now be put upon its second reading;

Which was agreed to.

The bill was then read second time.

Mr. Henderson offered the following amendment: Strike out of section 4 the words "registered voters" and insert "votes cast at such election."

The yeas and nays were called for, with the following result:

So the amendment was adopted.

Committee from the Assembly.

The Senate was informed that the use of the Assembly Hall to night was granted for the purpose asked for.

Mr. Henderson moved that the rules be suspended, and the bill read the third time;

Which was agreed to.

The bill was then put upon its third reading, read at large and put upon its passage.

Upon the question, Shall the bill pass?

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Dennis, Ginn, Henderson, Jenkins, Johnson, Kendrick, McKinnon, McCaskill, Sutton, Weeks and Wentworth—14.

Those voting in the negative were—

Messrs. Hill, Locke, Pearce and Purman—4.

So the bill passed, title as stated, and the Secretary was directed to certify the same to the Assembly.

Mr. ——— moved to offer the Senate Chamber to Mr Ryan to-night;

Which was agreed to.

Assembly Bill No. 36 :

A bill to Quiet Tax Titles.

Mr. Wentworth moved the further consideration of the bill be suspended till to-morrow first thing after Appropriation Bill ;

Which was agreed to.

Assembly Bill No. 55 :

A bill to be entitled An act Authorizing Geo. M. Whetstone to erect a Dam for Milling Purposes, and a Toll Bridge across the Santa Fe River.

The bill was then taken up on its third reading, read at large and put upon its passage.

Upon the question, Shall the bill pass ?

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Hill, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Sutton, Weeks and Wentworth—15.

Nays—None.

So the bill passed, title as stated, and the Secretary was directed to have the same engrossed and certified to the Assembly.

Assembly Bill No. 108 :

A bill to be entitled an act to amend An act to Provide for the Registration of Electors and the Holding of Elections, approved August 6, 1868.

Mr. Purman moved to strike out in section 3, line 6, the word "resident" and insert the word "citizen."

Mr. Henderson moved that the amendment be laid on the table.

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, Kendrick, McKinnon, McCaskill, Pearce and Sutton—10.

Those voting in the negative were—

Messrs. Dennis, Jenkins, Johnson, Locke, Meacham, Purman and Wentworth—7.

Which was adopted.

Message from the Governor.

Mr. Henderson made the following amendment :

After line 61, the word "removal" insert "or appointment to any office under the United States Government."

The yeas and nays were called for, with the following result :

Those voting in the affirmative were—

Messrs. Adams, Atkins, Crawford, Ginn, Henderson, Kendrick, McKinnon, McCaskill, Pearce and Sutton—10.

Those voting in the negative were—

Messrs. Dennis, Hill, Jenkins, Johnson, Locke, Meacham, Purman and Wentworth—8.

So the amendment was adopted.

Mr. Henderson moved the consideration be postponed for one week ;

Which was agreed to.

Mr. Henderson moved the reconsideration of the vote just taken.

Mr. Purman moved that the motion be laid on the table ;

Which was agreed to, and the motion laid on the table.

The Senate went into Executive session.

The following were confirmed :

Thaddeus A. McDonald, to be State Attorney for the Fifth Judicial Circuit vice William Birney, removed for neglect of duty.

Dr. Warren L. Barton, to be sheriff of Alachua county, vice George L. Barnes, resigned.

On motion of Mr. Dennis the Executive Session adjourned.

Mr. Wentworth moved that the Senate do now adjourn till 7 $\frac{1}{2}$  p. m.

Which was agreed to.

So the Senate adjourned.

### THREE-QUARTERS PAST SEVEN, EVENING.

The Senate met pursuant to adjournment.

The President pro tem. in the Chair.

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

Messrs. Adams, Billings, Ginn, Hill, Hillyer, Jenkins, Johnson, Kendrick, Meacham and Wentworth—10.

Mr. Kendrick moved a call of the Senate ;

Which was agreed to, with the following result :

Messrs. Adams, Billings, Ginn, Hill, Hillyer, Jenkins, Johnson, Kendrick, Meacham, Sutton Weeks and Wentworth—12.

Mr. Kendrick moved that the Sergeant-at-arms be instructed to call the absent members.

Mr. Meacham moved that the further call of the Senate be dispensed with.

A quorum present, the further call of the roll was dispensed with.

The Senate then resolved into a High Court of Impeachment.

The Chief-Justice in the chair.

Proclamation by Sergeant-at-arms.

Roll call.

## HIGH COURT OF IMPEACHMENT.

Eight o'clock p. m. February 15.

The High Court of Impeachment met pursuant to adjournment.

The Chief Justice in the Chair.

Here ye! Here ye! Here ye! All persons are commanded to keep silence while the Senate of the State of Florida is sitting for the trial of articles of impeachment exhibited by the Assembly against Harrison Reed, Governor of Florida.

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

Messrs. Adams, Atkins, Billings, Crawford, Egan, Ginn, Henderson, Hill, Hilyer, Jenkins, Johnson, Kendrick, Locke, McKimmon, Meacham McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—21.

A quorum present.

The Chief-Justice directed the Sergeant-at-Arms to notify the managers on the part of the Assembly that the High Court of Impeachment is now in session.

The Managers on the part of the Assembly then appeared in Court and announced that they had employed J. B. C. Drew and F. A. Dockray, as counsel for the managers.

The Sergeant-at-Arms made return of the summons to Harrison Reed, Governor, issued this 15th day of Feb., 1872, by the High Court of Impeachment, as follows:

SENATE CHAMBER,

Tallahassee, Fla., Feb. 15, 1872.

The within writs of summons addressed to Harrison Reed, Governor of Florida, and the within precept addressed to me were this day duly served on the said Harrison Reed, Governor of Florida, by delivering to and leaving with him true and attested copies of the same at the usual place of abode of the said Harrison Reed, on Thursday the 15th inst., A. D. 1872, at 7.30 o'clock p. m.

(Signed)

GEORGE W. BOGUE,

Sergeant-at-Arms of the Senate of Florida.

I, George W. Bogue, do solemnly swear that the return made by me on the process issued on the 15th day of February, 1872, by the Senate of Florida, against Harrison Reed, Governor, is truly made, and that I have performed such service as therein described. So help me God.

(Signed)

GEORGE W. BOGUE,  
Sergeant-at-Arms.

Sworn to and subscribed to this 15th day of February, A. D. 1872.

(Signed)

LEROY D. BALL,  
Secretary of the Senate.

Mr. Emmons appeared at the bar of the court with authority from Harrison Reed to act as his counsel before this court as follows:

In the Matter of the Impeachment of Harrison Reed, Governor of the State of Florida.

I, Harrison Reed, Governor of the State of Florida, having been notified to appear before this honorable court sitting as a court of impeachment, to answer certain articles of impeachment found and presented against me by the honorable the Assembly of the State of Florida, do hereby appear by my counsel, J. P. C. Emmons, who has my warrant and authority therefor, and who is instructed by me to ask of this honorable court such time as may be necessary and reasonable for the preparation of my answer to said articles, and to conduct my defence thereto in all respects.

Dated this 14th day of February, A. D. 1872.

HARRISON REED.

Senator Henderson offered the following amendment to rule 21:

All the orders and decisions shall be made by the Chief-Justice, unless the yeas and nays are called for by a Senator, in which event they shall be had, and shall be entered on the record, &c.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Dennis, Eagan, Ginn, Henderson, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—22.

Nays—None.

So the amendment was adopted.

Mr. Emmons, on behalf of Harrison Reed, Governor, filed the following plea:

In the matter of the Impeachment of Harrison Reed, Governor of Florida, charged with high crimes and misdemeanors in office, incompetency and malfeasance, and conduct detrimental to good morals. Before the honorable, the Senate of the State of Florida, sitting as a Court of Impeachment.

And the said Harrison Reed, Governor of Florida, by his attorney 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 and misdemeanors in office, incompetency and malfeasance, and conduct detrimental to good morals, 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.

J. P. C. EMMONS,  
Attorney and of Counsel.

HARRISON REED, Governor of Florida.  
STATE OF FLORIDA, County of Leon, ss.

Harrison Reed, Governor of Florida, being by me duly sworn, says that he has heard read the above plea, and that the same is true.

HARRISON REED,  
Governor of Florida,

Subscribed and sworn before me this 15th day of February, 1872.

E. M. RANDALL,  
Chief-Justice.

Senator Hillyer offered the following order, which was agreed to:

Ordered that the answer of Harrison Reed, Governor, to the articles of impeachment exhibited against him be received and filed.

The counsel on behalf of the managers presented the following:

Mr. Chief Justice and Gentlemen of the Senate:

In behalf of the Assembly and as directed by the Managers, I have the honor to request of the honorable Senate a copy of the answer filed by Harrison Reed, Governor of Florida, to the articles of impeachment exhibited against him by the Assembly.

Further than this:

Mr. Chief-Justice: By instruction of the Assembly, the Mana-

gers and counsel appointed to conduct this important trial of the impeachment of Harrison Reed, Governor, in view of the time necessary to consider the answer made by the respondent and to make replication thereto; in view also of the necessity for proper time in which to procure the attendance of witnesses; who reside out of the State, whose testimony is necessary to prove the material matters and facts charged in the articles of impeachment, and without which the Assembly by its Managers and counsel, cannot with safety and deliberation and in justice to the respondent as well as to the people, proceed at this time to further trial, and also for the purpose of amending the articles of impeachment already presented and prepare and present other articles in addition thereto, to the honorable Senate, do therefore ask of this honorable Senate that necessary time be allowed the Managers and counsel to procure the attendance of the witnesses, to make replication to the answer of Harrison Reed, and to present further articles of impeachment against him.

Mr. Chief Justice:

We make this application with no purpose to interpose any extraordinary delay in the progress of this cause other than that which of right we claim for ourselves, and in justice to the people and to the respondent.

We are approaching the latter days of the constitutional limit of time allowed for the regular session of the Legislature, and the Managers and counsel are unitedly of the opinion that the presence of the necessary witnesses cannot possibly be obtained so as to enable the Managers to join issue with the respondent before the sixty days have elapsed.

Now, in due respect to the position in which we present ourselves, Senators will understand that within the limits of the accusation we have made, and for further reason, because of the five additional articles which we propose to present, there must be a very considerable range of subjects and a great variety of practical considerations that will need to come under the responsible judgment and for the discreet and critical action of counsel.

We do not present a mere question of convenience, but we show causes of substance; and in making this application we address ourselves to the sound discretion of the Senate.

There are other and very important considerations which urge our application, and those are the economy of time, and of great expense to the State, while we sit here with both Houses in session, engaged in dilatory proceedings, and waiting for the service of subpœnas upon witnesses in New York and New Jersey, and the production of documentary evidence existing out of the State. It may be urged by counsel for respondent that the time-honored right of the accused to a speedy and impartial trial is seriously jeopardized by a continuance

but we claim, Mr. Chief Justice and Senators, that the rights of the people in their collective capacity, are as important to be preserved and to be guarded as jealously as those of the citizen in his individual character. We, too, are anxious for a speedy trial. But, above all, we ask that justice shall be done—that by careful preparation and deliberate conduct, we shall divest ourselves of all the prejudice of personal differences, and of all the heat and hate which belongs to the political forum, that our case shall be properly and justly made up, and that if the respondent be found guilty on these charges and on the others which we shall present, it will not be charged to us that his accusers have acted hastily, unfairly, or unjustly, or with unseemly desire to add injury to misfortune.

In behalf of the Managers, I ask that this statement may be placed upon the record.

*Whereas*, Additional time is necessarily required by the Managers and counsel prosecuting articles of impeachment against Harrison Reed, Governor, before the honorable Senate, to amend articles already presented, and to prepare and present others, and to procure the attendance of witnesses; and whereas, a large number of these witnesses reside out of this State, and in remote parts of the United States, and their testimony is necessary to prove the various matters charged in said articles of impeachment, and without which testimony this Assembly, by its Managers and counsel, cannot at this time safely proceed to the trial of the said Harrison Reed, Governor; Therefore,

*Resolved*, That the Managers be directed to appear at the bar of the Senate and ask that further necessary time be allowed the Managers and counsel to amend articles presented, and to prepare and present others, and to procure the attendance of the necessary witnesses upon the trial.

Mr. Jenkins moved that the further consideration of this subject by the Managers be postponed till to-morrow 12 o'clock noon.

Senator Henderson offered the following order:

That the Managers make replication at 12 o'clock m. to-morrow, or show cause.

The yeas and nays were called for, with the following result:

Those voting in the affirmative were—

Messrs. Adams, Atkins, Billings, Crawford, Dennis, Eagan, Ginn, Henderson, Hill, Hillyer, Jenkins, Johnson, Kendrick, Locke, McKinnon, Meacham, McCaskill, Pearce, Purman, Sutton, Weeks and Wentworth—22.

Nays—None.

So the order was adopted.

The court then adjourned till 12 o'clock to-morrow, at Senate Chamber.