Mr. Hicks moved that the Legislature proceed to take another ballot;

Which was agreed to.

The roll of the General Assembly was then called with the following result:

For Wilkinson Call—Messrs. McCaskill, Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, Smith, Browne, Bryan, Carter, Corley, Duncan, Ferrell, Frisbee, Gillis, Hagan, Jackson, Jones of Bradford, Jones of Levy, Judge, McAlpin, McGuire, Mitchell, Orman, Pons, Roberts, Russell, Stanfill, and Wilson—34.

For S. B. McLin—Messrs. Dennis, Durkee, Howell, Johnson, Parlin, Pope, Sturtevant, Bass, Chadwick, Hill of La Fayette, Hicks, Martin, Montgomery, Sutton, and Tucker—15.

For Samuel Walker—Messrs. Hill of Gadsden, Long, Meacham, Wallace, Armstrong, Avery, Coleman, Dennis of Jackson, Fisher, Gass, Harris, Lee, Morehead, Purman, Proctor, Small, Tilghman, Thompson, Washington, and Witherspoon—20.

For Horatio Bisbee—Messrs. Osgood, Grant, and Petty—3.

For C. W. Jones—Mr. Hannah—1.

For W. W. Hicks—Messrs. Berry, Livingston, and Nixon—3.

Total number of votes cast, 77.

Highest vote cast for any one candidate, 34.

No candidate having received a majority of the votes cast, the presiding officer declared that there was no election.

Mr. Witherspoon moved that the joint session do now adjourn until to-morrow at 12 o'clock.

On this question a division was called for, which showed the matter determined in the affirmative.

So the joint session was declared adjourned accordingly.

SESSION OF SENATE.

The Senate returned to its Chamber and proceeded with its regular business.

Mr. McKinnon moved that the Senate adjourn until to-morrow morning at 10 o'clock;

Which was agreed to, and the President declared the Senate adjourned accordingly.

SATURDAY, JANUARY 30, 1875.

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:

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Howell, Johnson, Lykes, McAuley, Oliveros, Pope, Smith, and Sturtevant—13.

A quorum present.

Prayer by the Chaplain.

Reading of the Journal.

Mr. Osgood moved that the further reading of the Journal be dispensed with;

Which was agreed to, and the Journal was approved.

Mr. Meacham moved to reconsider the resolution of Mr. Oliveros relative to the amendment to Senate Rule No. 28 of the standing rules and orders.

The rule was waived, and on the question of the reconsideration of the vote by which the amendment to the rule was adopted, the yeas and nays were called for with the following result:

Those voting in the affirmative were—

Mr. President, Messrs. Durkee, Hill, Howell, Meacham, Osgood, Pope, and Wallace—8.

Those voting in the negative were—

Messrs. Brantley, Cottrell, Crawford, Dennis, Fortner, Hendry, Johnson, Knight, Long, Lykes, McAuley, McKinnon, Oliveros, Parlin, Smith, and Sturtevant—16.

So the Senate refused to reconsider the vote.

Mr. Cottrell made the following motion:

When amendments are reported by committees to any measure referred to them and reported upon, the report of the committee shall be then considered and acted upon, unless the same be objected to, when the report shall be placed among the orders of the day.

The motion was withdrawn.

Under a suspension of the rule Mr. Brantley introduced Senate Bill No. 32;

Which was received and placed among the orders of the day.

Under a suspension of the rule Mr. Durkee introduced Senate Bill No. 33;

Which was received and placed among the orders of the day.

The Committee on Engrossed Bills made the following report:

SENATE CHAMBER,
TALLAHASSEE, Fla., January 30, 1875.

Hon. A. L. McCaskill, President of the Senate:

SIR: The Committee on Engrossed Bills, to whom was referred Senate Bill No. 21, being An act to More Particularly Define the Boundary Line of St. Johns County, and Senate

concurrent resolution in reference to the National Freedman's Savings Bank, have examined the same and do find them correctly engrossed.

Respectfully submitted,

E. T. STURTEVANT, Chairman.
G. C. BRANTLEY,
M. G. FORTNER,
T. W. LONG.

Which was received and the accompanying bill placed among the orders of the day for a third reading.

The Committee on Privileges and Elections made the following majority report:

To the Honorable President of the Senate:

This committee having, by direction of the Senate, considered the question whether the statute of 1845 (Thompson's Digest, page 78, *et seq.*), relative to the manner in which contested elections shall be conducted, is still unrepealed, and whether a compliance with the provisions of the fifth section of the tenth article of said act, relative to the notice required of contests for a seat in the Senate is obligatory upon parties desiring to make contests therefor, ask leave to report: That they find the act referred to not repealed by any act of subsequent Legislatures directly, nor has there been any change or modification of the election or other laws of this State which, by implication, interferes with the operations of said act. The purposes of the law were that a case might be presented to the Senate at its first session after the election out of which the contest arose, fully, fairly, and honestly made up by written statements and answers, each supported by the testimony of witnesses taken in the presence of the parties who are subjected to direct and cross examination, before the judge of the county court, or the clerk, and was intended to facilitate an honest and fair statement of the grounds of contest to enable it to better discharge the constitutional requirement "that each House shall judge of the qualification, election, and returns of its own members." And while each House is its own judge, it has, by the law referred to, prescribed the method by which it shall be enabled to judge intelligently, and thus avoid the occurrence of revolutionary action in a legislative body by arbitrary proceedings sprung upon the body long after a member has been settled in his seat, and controversy supposed to be ended. There is no good pretence that this law has been repealed. No subsequent law has made it even inconvenient of observance. This co-ordinate branch has no more right to violate the law than have the courts or the executive branch of the government. And besides, this law is like a statute of limitations under

which rights are lost or acquired by the negligence or diligence of persons interested, which the courts always administer with rigor as measures of peace.

The Constitution has ratified all such laws as were in force, not inconsistent with itself, and thus this law has all the force of the Constitution we have sworn to support until the Legislature shall change it by solemn enactment.

We therefore conclude that the said law is not a restriction or infringement upon the constitutional powers of this body, and is of full force, and contests not made in accordance with its provisions should not be entertained by this body.

J. H. DURKEE,
A. D. MCKINNON,
F. A. HENDRY,
FREDERICK HILL.

The following minority report on the same subject was handed in by the chairman of the committee:

SENATE CHAMBER,
TALLAHASSEE, Fla., JANUARY —, 1875.

Hon. A. L. McCaskill, President of the Senate:

SIR: The undersigned, member of the Committee on Privileges and Elections, to whom was referred the Attorney-General's opinion as to whether there is any law now in force governing contested election cases in this State, ask leave to report: That after such investigation and consideration as they have been able to give the matter, they are clearly of the opinion that there is no statute now in force in this State governing the case of contested elections for seats in the Legislature. By the first paragraph of section eight of the act of 1845 (Thompson's Digest, page 78), it was provided that the notice to be given by any candidate of a county or district intending to "contest the election of any Assemblyman," should be given within ten days after the canvass, by the Judge of Probate. By the act of December 8, 1862, page 23 of the first session of the Acts and Resolutions of that year, it was provided that the "notice" should be filed with the Judge of Probate within *twenty days;* adding, "that if no such notice or protest shall be filed within the twenty days aforesaid, it shall be held as conclusive as to the party or parties holding the certificates of election now required to be given by law." It can hardly be doubted that this last-mentioned enactment, enlarging the time of notice of contest in case of Assemblymen from ten to twenty days, superseded the clause with reference to time of notice contained in the law of 1845. The notice in case of Senatorial contests, by the law of 1845, might be given within twenty-five days; but by the act of 1862, cutting off all contests when notice was not filed

within twenty days, it would seem that the time of notice prescribed for contestants before both branches of the Legislature was by that act intended to be made the same—that is, within twenty days. Now, inasmuch as the act of 1862, suppressing the clauses in the act of 1845, has itself been superseded, and as we are able to find no subsequent legislation in relation to the subject of contested elections of members of the Legislature, we feel constrained to report that there is now in force in this State no law on the subject. A principle of construction generally recognized by the judiciary as laid down by an eminent legal writer is, that "when statutes direct certain proceedings to be done in a certain way, or at a certain time, and a strict compliance with these provisions of time and form does not appear essential to the judicial mind, the proceedings are held valid though the command of the statute is disregarded or disobeyed." "In these cases," says he, "the statute is said to be directory; in other cases the statute is held to be imperative, or mandatory." To which of these classes of statutes does the clause in Thompson's Digest, refered to, belong? Clearly, we think, to the former. A distinguished jurist has been kind enough to direct the attention of your committee to the following cases: In accordance with this principle, it was held in an early English case, by the highest courts of Great Britain, that in the election of a mayor, where the law required that he should be chosen by aldermen, to be themselves annually elected, that, nevertheless, where the aldermen who made the election had been in office several years, and some of them had been re-elected within a year, still the mayor's election was valid.

In another English case it was declared by that great judge, Chief Justice Mansfield, "There is a known distinction between circumstances which are of the essence of a thing required to be done by an act of Parliament and clauses merely *directory*. The precise *time* in many cases is not of the essence." Under the English marriage act, which declared that the "consent of the father is hereby *required* for the marriage of a child under age," the court decided that the language of this section is merely to *require* consent. It does not proceed to make the marriage void if solemnized without consent. By an English paving act it was required, among other things, that "contracts should specify the work, the price, and the time of completion, and that they should be signed by at least three of the commissioners." In construing this act, the Chief Justice said: "The act says that the contracts *shall* be signed by the commissioners, &c., &c. It does not say, however, they shall be null and void, unless so signed," and held that the contract was good without their signature. In New York,

where a statute authorized the commanding officer of each brigade of infantry, on or before the first *day of June*, to appoint a brigade court-martial, and the court-martial was not appointed till *July*, and on that account it was contended that its fines were illegally imposed, the judiciary decided that the statute was merely directory, and that the fines were legally imposed. And in the same State, where a school-tax was voted at a meeting, of which no notice was given, as required by the statute, and the tax was levied, the act was decided to be directory merely, and the tax to be legal. And so again in Massachusetts, where a city ordinance required a superintendent of streets to keep an account of the expenses done under an assessment, and to report the same in *ten* days, the provision was held to be merely *directory*, and not a condition precedent to the making of a valid assessment. In New York, where the law requires that every person elected sheriff shall give bond within twenty days after he shall receive notice of his election, this provision was decided to be directory. So, in reference to elections, it has been repeatedly held that statutes requiring inspectors or superintendents thereof to be sworn were merely directory, and that though they failed to take the required oath, nevertheless the elections were valid. Very clearly the Legislature which adopted the law of 1845, if they intended to provide that no candidate should be allowed to contest the seat of his adversary, without giving the required notice, did not so declare. True, indeed, they *directed*, and perhaps very properly, under the then Constitution, and as a part of the then existing law in reference to elections and election canvassers, that notices respectively of ten and twenty-five days should be given. And some such notice we think wise and proper, in order that the returned member may not be taken by surprise. And it might be well to enact, or even without any enactment—it might be a good rule for each House to refuse to take up a contested election case until after reasonable notice to the adverse party, by the contestant, of the proposed contest, and the grounds thereof. But, for the Legislature peremptorily to prescribe any terms as conditions precedent to allowing the people to be represented by candidates whom a Senatorial district, by a majority of its votes, has chosen to represent them in the Legislature, is not so much *his right* as it is the right of his constituents. *Their* right to be represented by him may, by military violence, as in Louisiana, or by fraud, as has been done a little nearer home, be taken away from them; but it cannot be done rightfully, lawfully, or constitutionally. The right of representation lies at the very basis of all republican governments; and the only representation which is not a mockery and a farce is where the people are rep-

resented by a man chosen by a majority of the legally-qualified voters. Instead of interposing obstacles or restrictions in the way of the people thus seeking to arrest and secure their right of representation, every encouragement and facility should be extended to them. Article four, section six, of the Constitution, reads thus: "Each House shall judge of the qualifications, elections, and returns of its members;" article fifteen, section sixteen: "A plurality of votes given at an election by the people shall constitute a choice." To secure the enforcement of these provisions of the Constitution every member of the Legislature is required to take the following oath: "I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida, against all enemies, domestic and foreign, and that I will bear true faith, loyalty and allegiance to the same, and that I am entitled to hold office under this Constitution," &c. These provisions of the organic law are paramount in their obligation upon the conscience and judgment of Senators; they cannot be limited nor interfered with in the utmost scope of their spirit and purpose. This solemn oath of office rests with peculiar force upon us. The obligation which it imposes is clear, certain, and without the possibility of doubt, denial, or equivocation. They declare with absolute certainty their conclusions alike to the educated and uneducated minds, for there are at least some propositions which are so plain, and some deductions of right which are so obvious, as to remove them beyond the regions of honest differences of opinion; and of this character are the following: First, that a plurality of votes constitutes the choice of the person receiving them, and no other condition can be attached by any authority to this the sovereign paramount organic law; second, that each House shall judge of the qualifications, elections and returns of its own members, and by their sworn duty can only say that a plurality shall constitute a choice; third, that in prescribing this specific imperative rule—plain, unequivocal, impossible of doubt or misconception—and in requiring of each member his solemn oath that he will so judge and decide, the Constitution leaves no place and makes no provision for the limitation of this sole condition of election by the statute referred to in Thompson's Digest, which was enacted twenty years before the adoption of the Constitution of the State, providing, as it is claimed, that the failure to give notice of a contest within ten days after an election, qualifies, limits, restrains, and even abrogates this constitutional mode of electing a Senator, and instead of a plurality of votes as the sole condition of election, makes the failure to give the notice the condition of election. As construed by those who claim shelter under it, it undeniably says that the

House shall not judge of the elections and returns of its members unless notice is given in ten days after the county canvass. This is adding new terms and other conditions to a constitutional requirement. This is a subject in the power of each House, governed alone by the organic law, and enforced alone by the sanction of the Senators' oaths; and it is expressly reserved and excluded from the powers of general legislation, and limited to the powers of each House.

Respectfully, JOHN L. CRAWFORD, Chairman.

Mr. Dennis moved the adoption of the majority report.

Mr. Cottrell moved as an amendment that both reports be spread upon the Journal, and that the further consideration of them be postponed until Monday.

Mr. Dennis accepted the amendment, and it was agreed to by the Senate.

Mr. Dennis moved that the special orders for to-day at half-past 10 and 11 o'clock be made special orders for Monday at the same hours respectively;

Which was agreed to.

ORDERS OF THE DAY.

Senate Bill No. 6:

A bill to be entitled An act to Protect the Agricultural Interests of the People of the State of Florida,

Was taken up on its second reading.

Mr. Knight offered a substitute for the bill.

The substitute was read.

Mr. Cottrell moved that the substitute be printed and referred to the Committee on Judiciary;

Which was agreed to.

The following message was received from the Assembly:

ASSEMBLY HALL,
TALLAHASSEE, Fla., January 29, 1875.

Hon. A. L. McCaskill, President pro tem. of the Senate:

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

Senate amendments to Assembly joint resolution appointing a joint committee to visit the State Prison, and appointed on the part of the Assembly the following committee Messrs. Mitchell, Hicks, and Grant; also,

Have adopted Assembly joint resolution appointing a joint committee on appropriations; also,

Senate Concurrent Resolution No. 1, relative to bonds in favor of school and seminary funds;

And has passed the following bills:

Assembly Bill No. 10:

An Act Relating to the Publication of Official and Legal Advertisements;

Assembly Bill No. 25:

A bill to be entitled An act Fixing the Time for Holding the Terms of the Circuit Courts in the Third Judicial Circuit; also,

Assembly joint resolution relative to annexation.

Very respectfully,

H. S. HARMON,
Clerk Assembly.

Senate Bill No. 21:

A bill to be entitled An act to More Particularly Define the Boundary Line of St. Johns County,

Was taken up and read the third time.

On the question, Shall the bill pass?

The roll was called with the following result:

Mr. President, Messrs. Brantley, Cottrell, Crawford, Durkee, Fortner, Hendry, Hill, Howell, Johnson, Knight, Long, Lykes, McAuley, McKinnon, Meacham, Oliveros, Osgood, Parlin, Pope, Smith, Sturtevant, and Wallace—23.

So the bill passed, title as stated.

Senate Bill No. 10:

A bill to be entitled An act to Repeal an Act to Prevent Obstructions to Drains and Waters,

Was taken up on its third reading.

Mr. Wallace moved that the further consideration of the bill be postponed until Monday;

Which was agreed to.

Senate Bill No. 32:

A bill to be entitled An act Defining the Duties and Fixing the Pay of County Commissioners,

Was taken up, read the first time by its title, and referred to the Committee on Judiciary.

Senate Bill No. 33:

A bill entitled An act to Admit Minors to Plead and Practice Law in the Several Courts of this State,

Was taken up, read the first time by its title, and referred to the Committee on Judiciary.

The rule was waived, and messages from the Assembly were taken up.

Assembly joint resolution appointing a Committee on Appropriations was taken up and read.

Mr. Osgood moved a suspension of the rule, and that the resolution be read a second time;

Which was agreed to and the resolution read a second time.

Mr. Osgood moved that the rule be waived and the resolution be read the third time;

Which was agreed to and the resolution was read a third time.

On the question, Shall the resolution pass?

The roll was called with the following result:

Those voting in the affirmative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Durkee, Fortner, Hendry, Hill, Johnson, Knight, Lykes, McAuley, McKinnon, Meacham, Oliveros, Osgood, Pope, Smith, Sturtevant, and Wallace—20.

Those voting in the negative were—None.

So the resolution was passed.

Mr. Howell was excused from serving on the committee appointed to investigate the alleged assault upon members of the Senate.

Mr. KcKinnon was appointed by the Chair to serve in the place of Senator Howell.

On motion, Mr. McKinnon was excused.

The Chair appointed Senator Hendry to take the place of Senator Howell.

Assembly Bill No. 25 was taken up, read the first time by its title, and referred to the Committee on Judiciary.

Assembly Bill No. 10 was taken up, read the first time by its title, and referred to the Committee on Judiciary.

Assembly joint resolution in regard to annexation of West Florida, was taken up, read the first time by its title, and referred to the Committee on State Affairs.

The President announced the following as the committee on the part of the Senate to act with the committee on the part of the Assembly as a Committee on Appropriations: Messrs. Crawford and Meacham.

The President appointed Senators McKinnon and Howell on the part of the Senate to act with Messrs. Mitchell, Hicks and Grant, on the part of the Assembly, as committee to visit the State Prison, in accordance with the Assembly joint resolution.

Under a suspension of the rule Mr. Wallace introduced the following bills:

Senate Bill No. 34:

A bill to be entitled an Act to Authorize the Clerks of the Circuit and County Courts and Justices of the Peace to Receive and Take Recognizance or Bail in Criminal Cases;

Was read the first time by its title and referred to the Committee on Judiciary.

Senate Bill No. 35:

A bill to be entitled An act to Suspend Sales of Property for Non-payment of Taxes until the First Day of June, 1875;

Was read the first time by its title and referred to the Committee on Finance and Taxation.

The Senate went into Executive session.

EXECUTIVE SESSION.

In Executive session Thaddeus A. McDonnell was confirmed States Attorney for the Fourth Judicial Circuit.

The doors being opened, Mr. Cottrell moved a recess until two minutes before 12 o'clock;

Which was agreed to.

TWO MINUTES OF TWELVE.

The Senate resumed its session.

The hour of 12 having arrived the Senate proceeded to the Assembly Chamber to meet the Assembly in joint session.

JOINT SESSION.

The Legislature met in joint session according to adjournment.

The President *pro tem.* of the Senate occupying the chair.

The President of the Senate ordered the Secretary to call the roll of the Senate.

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

Mr. President, Messrs. Brantley, Cottrell, Crawford, Dennis, Durkee, Fortner, Hendry, Hill, Howell, Johnson, Knight, Long, Lykes, McAuley, McKinnon, Meacham, Oliveros, Osgood, Parlin, Pope, Smith, Sturtevant, and Wallace—24.

The Speaker of the Assembly ordered the Chief Clerk to call the roll of the Assembly.

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

Mr. Speaker, Messrs. Armstrong, Avery, Bass, Berry, Browne, Bryan, Carter, Chadwick, Coleman, Corley, Dennis, Duncan, Ferrell, Fisher, Frisbee, Gass, Gillis, Grant, Harris, Hagan, Hicks, Hill, Jackson, Jones of Escambia, Jones of Bradford, Jones of Levy, Judge, Lee, Livingston, Martin, McAlpin, McGuire, Mitchell, Morehead, Montgomery, Nixon, Ormand, Petty, Pons, Proctor, Putnam, Roberts, Russell, Small, Stanfill, Sutton, Tilghman, Thompson, Tucker, Wilson, and Witherspoon—52.

The President *pro tem.* of the Senate ordered the Secretary to read that portion of the Senate Journal of yesterday which related to the ballot for United States Senator.

Mr. Osgood moved that the reading of the Journal be dispensed with;

Which was agreed to.

Mr. Martin moved that the Legislature now proceed to ballot for a United States Senator;

Which was agreed to.

The roll of the General Assembly was then called with the following result:

For Wilkinson Call—Messrs. McCaskill, Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, Smith, Browne, Bryan, Carter, Corley, Duncan, Ferrell, Frisbee, Gillis, Hagan, Jackson, Jones of Escambia, Jones of Bradford, Jones of Levy, Judge, McAlpin, McGuire, Mitchell, Orman, Pons, Roberts, Russell, and Wilson—34.

For S. B. McLin—Messrs. Dennis, Durkee, Hill, Howell, Johnson, Meacham, Osgood, Parlin, Pope, Sturtevant, Hicks, Martin, Montgomery, Nixon, Petty, Proctor, Purman, and Tucker—18.

For Samuel Walker—Messrs. Long, Wallace, Armstrong, Avery, Chadwick, Coleman, Dennis, Lee, Livingston, and Small—10.

For D. S. Walker—Messrs. Hannah, Berry, and Stanfill—3.

For L'Engle—Mr. Fisher—1.

For Mr. ReQua—Messrs. Gass and Washington—2.

For Richard Long—Mr. Harris—1.

For J. B. Burkhim—Mr. Morehead—1.

For W. R. Long—Messrs. Tilghman, Thompson, and Witherspoon—3.

For blank—Messrs. Grant, Hill, and Sutton—3.

Total number of votes cast, 77.

Highest vote cast for any one candidate, 34.

No candidate having received a majority of the votes cast, the presiding officer declared there was no election.

Mr. Wallace moved that the joint assembly adjourn until Monday at 12 o'clock.

On the question of adjournment the yeas and nays were called with the following result:

Those voting in the affirmative were—

Messrs. Dennis of Alachua, Durkee, Hill, Howell, Johnson, Long, Meacham, Osgood, Parlin, Pope, Sturtevant, Wallace, Armstrong, Avery, Bass, Berry, Chadwick, Coleman, Dennis of Jackson, Fisher, Gass, Grant, Harris, Hicks, Lee, Livingston, Martin, Morehead, Montgomery, Nixon, Petty, Proctor, Purman, Small, Sutton, Tilghman, Thompson, Tucker, Washington, and Witherspoon—40.

Those voting in the negative were—

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Knight, Lykes, McAuley, McKinnon, Oliveros, Smith, Hannah, Browne, Bryan, Carter, Corley, Duncan, Ferrell, Frisbee, Gillis, Hagan, Jackson, Jones of Escambia, Jones of

Bradford, Jones of Levy, Judge, McAlpin, McGuire, Mitchell, Orman, Pons, Roberts, Russell, Stanfill, and Wilson—36.

So the joint assembly was declared adjourned accordingly.

SESSION OF SENATE.

The Senate returned to its Chamber and proceeded with its regular business.

Mr. Dennis moved that the Senate adjourn until Monday morning at 10 o'clock;

Which was agreed to, and the President declared the Senate adjourned accordingly.

MONDAY, FEBRUARY 1, 1875.

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:

Mr. President, Messrs. Brantley, Cottrell, Crawford, Fortner, Hendry, Howell, Johnson, Long, Lykes, McAuley, McKinnon, Meacham, Oliveros, Osgood, Parlin, Pope, Smith, and Sturtevant—19.

A quorum present.

Prayer by the Chaplain.

Reading of the Journal.

Mr. Meacham moved that the further reading of the Journal be dispensed with;

Which was agreed to, and the Journal was approved.

Mr. Oliveros offered the following motion:

That the committee appointed to investigate the subject of assault on absent Senators be authorized to employ a clerk;

Which was agreed to.

Under a suspension of the rule Mr. Lykes introduced Senate Bill No. 36;

Which was received and placed among the orders of the day.

Assembly joint resolution on census and apportionment was taken up and referred to the Committee on State Affairs.

The petition of Harrison Reed was taken up and read.

Mr. Dennis moved to refer to the Committee on Claims.

Mr. Smith moved, as an amendment, that the petition be laid upon the table.

Mr. Smith subsequently withdrew his motion to lay on the table.