

# JOURNAL

Of the Senate of the State of Florida at the Twelfth Session of the Legislature, begun and held at the Capitol, in the city of Tallahassee, in the State of Florida, on Tuesday, the 2d day of January, A. D. 1883, being the day fixed by the Constitution of the State of Florida for the meeting of the Legislature.

TUESDAY, January 2, 1883.

The Senate met 12 o'clock M.

The roll being called by W. H. Babcock, former Secretary, the following Senators answered to their names:

From the Nineteenth District—H. W. Chandler.

From the Ninth District—J. D. Cole.

From the Fifteenth District—A. D. Cone.

From the Seventeenth District—E. S. Crill.

From the Twenty-ninth District—O. Delano.

From the Thirteenth District—J. B. Dell.

From the Twenty-third District—H. H. Duncan.

From the Twenty-fifth District—H. H. Hatcher.

From the Fifth District—J. H. McClellan.

From the Third District—J. H. McKinne.

From the Eleventh District—A. J. Polhill.

From the Thirty-first District—Geo. C. Powers.

From the Twenty-first District—W. H. Sharpe.

The Secretary then presented the certificate of Jno. L. Crawford, Secretary of State, under the Great Seal of the State of Florida, that the following is a correct list of the Senators of the State of Florida:

First District—S. R. Mallory.

Second District—J. M. Landrum.

Third District—J. H. McKinne.

Fourth District—Miles Mountien.

Fifth District—J. H. McClellan.

Sixth District—Isaac N. Shepard.

Seventh District—T. F. Swearengin.  
 Eighth District—John E. Proctor.  
 Ninth District—J. D. Cole.  
 Tenth District—Frank W. Pope.  
 Eleventh District—A. J. Polhill.  
 Twelfth District—William D. Hankins.  
 Thirteenth District—J. B. Dell.  
 Fourteenth District—H. L. R. Roberts.  
 Fifteenth District—A. D. Cone.  
 Sixteenth District—Henry C. Baker.  
 Seventeenth District—E. S. Crill.  
 Eighteenth District—J. C. Greeley.  
 Nineteenth District—H. W. Chandler.  
 Twentieth District—J. G. Spear.  
 Twenty-first District—W. H. Sharpe.  
 Twenty-second District—Austin S. Mann.  
 Twenty-third District—H. H. Duncan.  
 Twenty-fourth District—George W. Allen.  
 Twenty-fifth District—H. H. Hatcher.  
 Twenty-sixth District—William Bryson.  
 Twenty-seventh District—M. G. Fortner.  
 Twenty-eighth District—S. M. Hendricks.  
 Twenty-ninth District—C. Delano.  
 Thirtieth District—John T. Leslie.  
 Thirty-first District—George C. Powers.  
 Thirty-second District—J. L. F. Cottrell.

The following newly-elected Senators then came forward and took the oath of office, which was administered by David S. Walker, of the 2d Judicial Circuit of Florida:

From the Twenty-fourth District—Geo. W. Allen.  
 From the Sixteenth District—H. C. Baker.  
 From the Twenty-sixth District—William Bryson.  
 From the Twenty-seventh District—M. G. Fortner.  
 From the Eighteenth District—J. C. Greeley.  
 From the Twelfth District—W. D. Hankins.  
 From the Twenty eighth District—S. M. Hendricks.  
 From the Second District—J. M. Landrum.  
 From the Twenty-Second District—A. S. Mann.  
 From the Fourth District—Miles Mountien.  
 From the Tenth District—F. W. Pope.  
 From the Eighth District—John Proctor.  
 From the Fourteenth District—H. L. R. Roberts.  
 From the Sixth District—J. N. Shepard.  
 From the Twentieth District—J. G. Spear.  
 From the Seventh District—T. F. Swearengin.

Mr. McKinne then moved that the Senate now proceed to the election of its officers;

Which was agreed to.

Mr. Dell nominated W. H. Babcock, and Mr. Bryson nominated A. L. Woodward, for Secretary of the Senate.

Mr. Babcock received 17 votes, Mr. Woodward received 12 votes.

Mr. Babcock receiving a majority of the votes cast, was declared by the President duly elected Secretary of the Senate.

Mr. Dell nominated W. I. Vason for Assistant Secretary of the Senate.

There being no other nomination, Mr. Vason was elected by acclamation Assistant Secretary of the Senate.

L. B. Wombwell was elected by acclamation Enrolling Clerk of the Senate.

T. D. West was elected Engrossing Clerk of the Senate by acclamation.

W. C. McLean was elected by acclamation Recording Clerk of the Senate.

Mr. Dell nominated I. M. Auld, and Mr. Proctor nominated Samuel Shakespear, for Sergeant-at-Arms of the Senate.

Mr. Auld received 25 votes.

Mr. Shakespear received 3 votes.

Mr. Auld receiving a majority of the votes was declared by the President duly elected Sergeant-at-Arms of the Senate.

Mr. Dell nominated M. B. Colson, and Mr. Proctor nominated Edward Rogers, for Door-keeper of the Senate.

Mr. Colson received 22 votes, and Mr. Rogers received 6 votes.

Mr. Colson receiving a majority of the votes was declared by the President duly elected Door-keeper of the Senate.

William Thomas was elected by acclamation Messenger of the Senate.

W. K. Beard was elected by acclamation Page of the Senate.

Richard Edwards was elected by acclamation Janitor of the Senate.

Rev. H. H. Kennedy was elected by acclamation Chaplain of the Senate.

The newly-elected officers then came forward and were sworn into office by Judge D. S. Walker.

Mr. Crill moved that a committee of three be appointed from the Senate to notify the Assembly that the Senate had organized and was now ready for business;

Which was agreed to and Messrs. Crill, Dell and Greeley were appointed such committee.

Mr. McClellan moved that the rules of the last Senate be adopted, and that 200 copies be printed;

Which was agreed to.  
The committee appointed to notify the Assembly that Senate had organized, reported that the Assembly had not organized.

On motion the Senate then adjourned to three o'clock P.

### THREE O'CLOCK P. M.

The Senate met pursuant to adjournment.

The President in the chair.

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

Mr. President, Messrs Allen, Baker, Chandler, Cole, Dela Dell, Greeley, Hankins, Mann, McClellan, McKinne, Polh Pope, Roberts, Sharpe, Sheppard, Spear and Swearingin—

A quorum present.

On motion the Senate then adjourned until 10 o'clock A. M. to-morrow.

### RULES AND ORDERS OF THE SENATE.

**RULE 1.** The President shall take the chair every day at the hour to which the Senate shall have adjourned; shall call the Senate to order, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

**RULE 2.** He shall preserve order and decorum; may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal. He shall rise to put a question or to address the Senate, but may read sitting.

**RULE 3.** He shall declare all votes, but if a member rises to doubt a vote, the President shall order a return of the number voting in the affirmative and the negative, without any further debate.

**RULE 4.** When any member shall require a question to be determined by yeas and nays, the President shall take the sense of the house in that manner, provided that any three of the members present are in favor of it.

**RULE 5.** When a question is under debate, the President shall receive no motion but to adjourn, *to lay on the table, to postpone to a day certain, to commit, to amend, or to postpone indefinitely*, which several motions shall have precedence in the

order in which they stand arranged; and a motion to adjourn and to lay on the table shall be decided without debate.

**RULE 6.** When two or more members rise at once, the President shall name the member who is to speak first.

**RULE 7.** The President shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

**RULE 8.** Every member, when he speaks, shall stand in his place, and address the President, and when he has done speaking shall sit down.

**RULE 9.** No member shall speak more than once on one question, to the prevention of any other who has not spoken and is desirous to speak, nor more than twice without obtaining leave of the house.

**RULE 10.** No member speaking shall be interrupted by another, but by rising up to call to order, or a question of privilege.

**RULE 11.** After a question is put to vote, no member shall speak to it.

**RULE 12.** Every member presenting a petition, memorial, or remonstrance, shall endorse his name thereon.

**RULE 13.** Every motion shall be received and considered, and shall be reduced to writing if the President directs it.

**RULE 14.** When a vote has passed, and it shall be in order for any member voting in the majority to move a reconsideration thereof on the same or the succeeding day, and such motion (except in the last week of the session) shall be placed first in the orders of the day for the day succeeding that on which the motion is made; and when a motion for reconsideration is decided, that vote shall not be reconsidered.

**RULE 15.** A question containing two or more propositions capable of division, shall be divided whenever desired by any member. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall neither preclude amendment nor a motion to strike out and insert.

**RULE 16.** The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the orders of the day.

**RULE 17.** The rules and proceedings of the Senate shall be observed, as far as they are practicable, in committee of the whole, excepting that a member may speak oftener than twice on the same subject. In committee of the whole the previous question cannot be called, the yeas and nays required, nor can there be an appeal from the decision of the Chair.

**RULE 18.** No member shall absent himself from the Senate without leave.

RULE 19. Whenever a question shall be taken by yeas and nays, the Secretary shall call the names of all the members, except the President, in alphabetical order, and every member present shall answer to his name unless excused; and no member shall be permitted, under any circumstances, to vote after the decision is announced from the Chair.

RULE 20. The following Standing Committees shall be appointed at the commencement of the first session, to-wit:

- A Committee on the Judiciary.
- A Committee on Education.
- A Committee on Finance and Taxation.
- A Committee on Claims.
- A Committee on Corporations.
- A Committee on City and County Organizations.
- A Committee on the Militia.
- A Committee on Legislative Expenses.
- A Committee on Agriculture.
- A Committee on Public Printing.
- A Committee on Enrolled Bills.
- A Committee on Engrossed Bills.
- A Committee on State Affairs.
- A Committee on Railroads and Telegraphs.
- A Committee on Public Lands.
- A Committee on Privileges and Elections.
- A Committee on Appropriations.
- A Committee on Fisheries.
- A Committee on Indian Affairs.
- A Committee on State Boundaries.
- A Committee on Commerce and Navigation.
- A Committee on Immigration.

And each of these committees shall consist of five members.

RULE 21. All committees shall be appointed by the President, unless otherwise specially directed by the Senate, and the person first named shall be chairman; and whenever a member of a committee shall be absent, and a substitute shall be appointed, the substitute shall hold the same rank in the committee as the member held for whom he is substituted. In all elections of committees by ballot, the person having the highest number of votes shall act as chairman.

RULE 22. No bill or joint resolution shall be introduced by a member without special leave; and all bills and joint resolutions, when so introduced, shall be committed before they are passed to a second reading.

RULE 23. No bill or joint resolution shall pass to be engrossed without two several readings on two separate days.

RULE 24. All bills and joint resolutions, after a second

reading, shall be committed to the Standing Committee on Engrossed Bills, whose duty it shall be to strictly examine the same, and, if found by them to be correctly engrossed, they shall so endorse on the same.

RULE 25. No engrossed bills or joint resolutions shall be amended without the unanimous consent of the members present.

RULE 26. All bills and joint resolutions shall be put upon the calendar, and shall be taken up on their various readings only in regular order.

RULE 27. All resolutions requiring the concurrence of the Assembly shall be read to the Senate and lie over one day before final action thereon, unless otherwise ordered by the Senate.

RULE 28. All orders or resolutions requiring information from the Governor, Cabinet officers or action of committees, shall be read to the Senate, and acted upon as in case of motions, and shall be spread upon the journals of the Senate.

RULE 29. Messages shall be sent to the Assembly by the Secretary, who shall previously endorse the final determination of the Senate thereon.

RULE 30. No bill, order, resolution or other matter for the use of the Senate shall be printed without the special order of the Senate.

RULE 31. No person not a member of the Senate shall be allowed inside the bar while the Senate is in session, except the Governor, his Cabinet officers, members of the Assembly and Judges of the Supreme and Circuit Courts, except by invitation of the President, or a majority of the members present.

RULE 32. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Senate, or the Joint Rules of the two branches of the Legislature.

RULE 33. The following shall be the hours of the daily session of the Senate, unless otherwise ordered: 10 A. M. and 4 P. M.

RULE 34. Any rule or order may be altered, dispensed with or rescinded, by a two-thirds vote of the members present consenting thereto.

#### ORDER OF BUSINESS.

Reading of the Journal.

Introduction of Resolutions, Petitions and Memorials.

Introduction of Bills.

Consideration of Resolutions.  
 Messages from the Assembly.  
 Reports of Committees.  
 Orders of the Day.  
 Consideration of Bills upon their Second Reading.  
 Consideration of Bills upon their Third Reading.  
 Executive Appointments.

#### RULES GOVERNING EXECUTIVE SESSIONS.

**RULE 1.** When nominations shall be made by the Governor to the Senate, they shall, unless otherwise ordered by the Senate, lay over for action until the day succeeding the day upon which they were made; and the final question on every nomination shall be: "Will the Senate advise and consent to this nomination?" Which question shall not be put on the same day on which the nomination is received.

**RULE 2.** Nominations neither approved nor rejected during the session at which they are made, shall not be acted upon at any succeeding session without being again made by the Governor; and if the Senate shall adjourn *sine die*, all nominations pending and not finally acted upon at the time of taking such adjournment, shall be returned to the Governor, and shall not be acted upon afterwards, unless again submitted to the Senate by the Governor; and all motions pending to reconsider a vote upon a nomination shall fall on such adjournment.

**RULE 3.** All information or remarks concerning the character or qualifications, or the vote upon the confirmation of any person nominated by the Governor to office, shall be kept a secret; but the fact that a nomination has been made shall not be regarded as a secret after the time has expired when a motion to reconsider may be made, and it shall be considered a breach of privilege for any Senator to break this rule.

**RULE 4.** When acting on Executive business, the Chamber shall be cleared of all persons except the Secretary of the Senate, who shall be sworn to keep the secrets of the Senate.

**RULE 5.** The Legislative proceedings and the Executive proceedings of the Senate shall be kept in separate books.

**RULE 6.** Nominations approved or definitely acted upon by the Senate, shall not be returned by the Secretary of the Senate to the Governor until the expiration of the time limited for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate.

**RULE 7.** No transcript of the Executive record shall be furnished unless by special order of the Senate.

**RULE 8.** All confidential communications made by the Governor shall be by the members and officers of the Senate kept secret.

#### JOINT RULES.

While bills are on their passage between the two houses, they shall be on paper and under signature of the Secretary or Clerk of each house respectively.

After a bill shall have passed both houses, it shall be duly enrolled on parchment by the Clerk of the Assembly or Secretary of the Senate, as the bill may have originated in the one or the other house, before it shall be presented to the Governor of the State.

When bills are enrolled they shall be examined by a joint committee of two from the Senate and two from the Assembly, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.

After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

After a bill shall have been thus signed in each house, it shall be presented by the said committee to the Governor of the State for his approbation, it being first indorsed on the back of the roll, certifying in which house the same originated, which indorsement shall be signed by the Secretary or Clerk, as the case may be, of the house in which it did originate, and shall be entered on the journal of each house. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the journal of each house.

All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in cases of bills.