

TUESDAY, January 23, 1883.

The Senate met pursuant to adjournment.

The President in the Chair.

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

Messrs. Allen, Baker, Bryson, Chandler, Cole, Cone, Cottrell, Crill, Delano, Dell, Duncan, Fortner, Greeley, Hankins, Hatcher, Hendricks, Landrum, Lesley, Mallory, Mann, Mountien, McClellan, McKinne, Polhill, Pope, Powers, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—32.

A quorum present.

Prayer by the Chaplain.

Mr. Polhill moved to dispense with the reading of the journal;

Which was agreed to.

Mr. McClellan moved to reconsider the action of the Senate taken on Senate bill No. 30,

To be entitled an act to amend Section 1, Chapter 3273, of the Laws of Florida, approved February 9th, 1881.

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

Which prevailed.

BILLS ON THIRD READING.

Senate bill No. 10:

To be entitled an act to repeal Chapter 3247 of the Laws of Florida, entitled an act relating to Landlords' Lien, for what, and upon what it exists, approved February 22d, 1881,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Baker, Bryson, Chandler, Cole, Delano, Greeley, Hatcher, Hendricks, Landrum, Mallory, Mountien, Pope, Powers and Proctor—15.

Nays—Messrs. Cone, Cottrell, Crill, Dell, Duncan, Fortner, Hankins, Lesley, Mann, McClellan, McKinne, Polhill, Roberts, Sharpe, Sheppard, Speer and Swearingen—17.

So the bill was lost.

INTRODUCTION OF BILLS.

The following bills were introduced and referred:

By Mr. Mallory:

Senate bill No. 109:

To be entitled an act to regulate appellate proceedings from Justices' Courts to Circuit Courts;

Which was read the first time and referred to the Judiciary Committee.

The President announced that the following bill would now be signed by the President and Secretary:

Assembly bill No. 89:

To be entitled an act for the adoption of two children by Robert B. VanValkenburgh and his wife, Anna VanValkenburgh.

By Mr. Mallory:

Senate bill No. 110:

To be entitled an act to incorporate the Lake de Funiak Park and Hotel Company;

Which was read the first time and referred to Committee on Corporations.

By Mr. Proctor:

Senate bill No. 111:

To be entitled an act to provide a mode for carrying into effect Section 3 of Article 10 of the Constitution of Florida;

Which was read the first time and referred to Committee on Constitutional Amendments:

By Mr. McKinne:

Senate bill No. 112:

To be entitled an act to restore to the estates of B. C. Lewis, P. B. Brokaw, John McDougall and Wm. Bailey certain Indian war certificates unjustly withheld by the State, and for other purposes;

Which was read first time and referred to the Judiciary Committee.

By Mr. Mallory:

Senate bill No. 113:

To be entitled an act to declare Brushley creek, in Escambia county, navigable for logs, timber and other floatage;

Which was read the first time and referred to the Committee on Commerce and Navigation.

REPORTS OF STANDING COMMITTEES.

The Committee on Judiciary made the following report:

SENATE CHAMBER, Tallahassee, Fla., January 23, 1883.

HON. L. W. BETHEL,

President of the Senate:

SIR—Your Committee on the Judiciary to whom was referred—

Assembly joint resolution No. 7, praying that the names of the surviving soldiers of the war of 1835 and 1836 and of the Mexican war be placed upon the pension rolls of the United States, and that the names of the soldiers of the war of 1856 and 1857 be given bounty land,

Beg leave to report that they have considered the same and recommend that it pass.

Very respectfully,

S. R. MALLORY, Chairman.

Which was read and adopted.

Also the following:

SENATE CHAMBER, Tallahassee, January 23, 1883.

HON. L. W. BETHEL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred Assembly bill No. 23, to be entitled an act to amend Chapter 3285, Laws of Florida, approved February 4, 1881, Beg leave to report that they have examined the same and recommend that it do not pass.

Very respectfully,

S. R. MALLORY, Chairman.

Which was read.

The bill was read the second time.

Mr. Delano moved to indefinitely postpone the bill;

Which was agreed to.

The bill was indefinitely postponed.

The Committee on Enrolled Bills, made the following report:

SENATE CHAMBER, Tallahassee, Fla., Jan. 23, 1883.

HON. L. W. BETHEL,

President of the Senate:

SIR—Your Committee on Enrolled Bills, to whom was referred—

Senate bill No. 23, to be entitled an act to punish slander and defamation of character in certain cases; also,

Senate bill No. 36, to be entitled an act for the adoption of a child by Henry R. Benjamin, and the making of said child his heir at law; also,

Senate bill No. 38, to be entitled an act to correct an error in the name of John E. Lawless, on record in the office of the Clerk of the Circuit Court for Escambia county, Florida; also,

Senate bill No. 43, to be entitled an act declaring the Bay and Crystal River navigable,

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

Very respectfully,

H. H. DUNCAN,
Chairman Committee.

Which was read.

The Committee on Engrossed Bills, made the following report:

SENATE CHAMBER, Tallahassee, Fla., January 22, 1883.

L. W. BETHEL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, to whom was referred—

Senate bill No. 74, to be entitled an act for the adoption of a child by John P. Roberts, and making said child his heir;

Senate bill No. 17, to be entitled an act fixing the liability of persons and corporations for damages resulting from the death of any one caused by the wrongful act, negligence, carelessness or default of such persons or corporations, or the contents thereof; also,

Senate bill No. 75, to be entitled an act in relation to the duties of County Surveyor; also,

Senate bill No. 66, to be entitled an act to change the division line between Escambia and Santa Rosa counties, in this State; also,

Senate bill No. 16, to be entitled an act granting aid for the construction of the Thomasville, Tallahassee and Gulf Railroad; also,

Senate bill No. 81, to be entitled an act to incorporate the Suwannee real estate agency; also,

Senate bill No. 40, to be entitled an act to incorporate the Artesian Well Company of Florida,

Beg leave to report that they have examined the same, and found them to be correctly engrossed.

Very respectfully,

WM. BRYSON, Chairman.

Which was read and the accompanying bills placed among the orders of the day.

SECOND READING OF BILLS.

Senate bill No. 24:

To be entitled an act to establish a Bureau and Commissioner of Agriculture and Immigration, and to repeal an act entitled an act to establish a Bureau of Immigration for the State of Florida, and to promote the rapid settlement of the State lands, approved March 7, 1879, Chapter 3151, Laws of Florida,

Was read the second time.

Mr. Sharpe moved that the bill be taken up by sections;

Which was agreed to.

Mr. Sharpe moved that the Senate go into a Committee of the Whole upon this bill:

Which was agreed to.

The Senate then went into a Committee of the Whole.

Mr. McKinne was called to the chair.

After some time spent therein, upon the consideration of the bill, the President took the chair.

The Committee of the Whole, through its chairman, McKinne, reported back to the Senate the bill, and recommended the adoption of Sections 1 and 2, and reported progress.

The report of the committee was adopted.

On motion, the bill was recommitted to Committee on Immigration.

Mr. Mallory introduced the following bill:

Senate bill No. 114:

To be entitled an act to provide for the maintenance of organized fire companies in cities in this State;

Which was read the first time and referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

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

SENATE CHAMBER, Tallahassee, Fla., January 23, 1883.

Hon. L. W. BETHEL,

President of the Senate:

SIR—Your Committee on Commerce and Navigation, to whom was referred—

Senate bill No. 60, to be entitled an act to incorporate the Florida Ship Canal Company, to locate, construct, own and operate a ship canal and telegraph line across the peninsula of Florida to connect the Atlantic ocean with the Gulf of Mexico, Beg leave to report that they have considered the same and recommend that it pass, with the amendments herewith submitted by your committee.

Very respectfully,

S. R. MALLORY,
Chairman Judiciary Committee.

Which was read.

Mr. Bryson moved that 150 copies of the amendments of the committee be printed;

Which was agreed to.

Mr. Baker moved the indefinite postponement of the bill.

Mr. Chandler moved that the bill be laid upon the table; Which was lost.

Mr. McKinne moved that the further consideration of the bill be postponed until Tuesday next at 11 o'clock; Which was agreed to.

ENROLLED BILLS.

The President and Secretary signed the following enrolled bills:

An act to punish slander and defamation of character, in certain cases;

Also,

An act for the adoption of a child by Henry R. Benjamin, at the making of said child his heir at law;

Also,

An act to correct an error in the name of John E. Lawless of the office of the clerk of the Circuit Court for Escambia county, Fla.;

Also,

An act declaring Crystal river, in the county of Hernando, navigable.

An act making appropriations for the expenses of collecting revenue for the year 1883.

Mr. Bryson moved to adjourn until 10 o'clock to-morrow morning;

The yeas and nays being called for, the vote was:

Yeas—Messrs. Allen, Bryson, Chandler, Cottrell, Fortner, Greeley, Hankins, Mann, Pope and Roberts—10.

Nays—Messrs. Baker, Cone, Crill, Dell, Duncan, Hatcher, Hendricks, Landrum, Lesley, Mallory, Mountien, McClellan, McKinne, Polhill, Powers, Proctor, Sharpe, Sheppard and Swearingen—19.

So the motion to adjourn was lost.

Mr. Dell moved that the Senate take a recess until 4 o'clock P. M.;

The yeas and nays being called for, the vote was:

Yeas—Messrs. Baker, Chandler, Cone, Cottrell, Dell, Duncan, Fortner, Hatcher, Hendricks, Landrum, Lesley, Mallory, Mountien, Polhill, Pope, Powers, Proctor, Sharpe, Sheppard and Speer—20.

Nays—Messrs. Allen, Bryson, Crill, Greeley, Hankins, Mann, McClellan, McKinne, Roberts and Swearingen—10.

So the motion prevailed, and the Senate took a recess until 4 o'clock P. M.

FOUR O'CLOCK P. M.

The Senate resumed its session.

The President in the Chair.

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

Messrs. Allen, Baker, Bryson, Chandler, Cone, Cottrell, Crill, Delano, Dell, Duncan, Fortner, Greeley, Hankins, Hatcher, Hendricks, Landrum, Lesley, Mallory, Mountien, McClellan, McKinne, Polhill, Powers, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—28.
A quorum present.

BILLS ON SECOND READING.

Senate bill No. 46:

To be entitled an act to amend section 48 of the act for the assessment and collection of revenue, approved March 5, 1882.
Was read the second time and ordered to be engrossed.

BILLS ON THIRD READING.

Senate Bill No. 32:

To be entitled an act to require Justices of the Peace to give bond,
Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Bryson, Chandler, Crill, Delano, Dell, Mallory, Mann, Mountien, McKinne and Pope—11.
Nays—Messrs. Baker, Cone, Cottrell, Duncan, Fortner, Hankins, Hatcher, Hendricks, Landrum, Lesley, McClellan, Polhill, Powers, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—19.

So the bill did not pass.

Senate bill No. 16:

To be entitled an act to grant aid for the construction of the Thomasville, Tallahassee and Gulf Railroad,
Was read the third time.

Mr. Mallory moved that the bill be put back upon its second reading for purposes of amendment;

Which was agreed to.

Mr. Mallory offered the following amendment, to go on the end of Section 2:

Provided further, That should it be found hereafter that any of the lands granted by this act to the said railroad company do not belong to the State of Florida, the State of Florida shall not be held liable to make good to said railroad company any deficiency in lands or damages arising therefrom which said railroad company shall sustain by reason of the inability of the State to convey such lands to said railroad company;

Which was adopted.

Mr. Mallory moved to strike out in the fifth section the words, "that this act shall be deemed a public act;"

Which was agreed to.

The bill, as amended, was read the second time and ordered to be engrossed.

BILLS ON THIRD READING.

Senate bill No. 74:

To be entitled an act for the adoption of a child by John P. Roberts, and making said child his heir,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Bryson, Chandler, Cottrell, Crill, Delano, Duncan, Fortner, Greeley, Hankins, Hatcher, Hendricks, Landrum, Lesley, Mallory, McClellan, Polhill, Powers, Proctor, Roberts, Speer and Swearingen—22.

Nays—Messrs. Dell, Mountien, McKinne and Pope—4.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

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

SENATE CHAMBER, Tallahassee, Fla., Jan. 23, 1883.

Hon. L. W. BETHEL,

President of the Senate:

SIR—Your Committee on Claims to whom was referred—
Senate bill No. 2, to be entitled an act for the relief of Jas.

A. Picket,

Have examined the same and recommend its passage, with accompanying amendments; also,

Senate bill No. 78, to be entitled an act for the relief of Reuben S. Mitchell, of Marion county; also,

Senate bill No. 97, to be entitled an act for the relief of General W. C. Bird and others, therein named,

Have examined the same and recommend they do pass.

Very respectfully,

J. G. SPEER, Chairman.

Which was read and adopted.

Substitute for Senate bill No. 17:

To be entitled an act fixing the liability of persons and corporations for damages resulting from the death of any one caused by the wrongful act, negligence, carelessness or default of such persons or corporations, or the agents thereof,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Baker, Bryson, Chandler, Cone, Cottrell, Crill, Dell, Duncan, Fortner, Greeley, Hankins, Hatcher, Hendricks, Landrum, Lesley, Mallory, Mann, Mountien, McClellan, McKinne, Polhill, Pope, Powers, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—30.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 75:

To be entitled an act in relation to duties of County Surveyors,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Cone, Cottrell, Crill, Delano, Duncan, Fortner, Hendricks, Lesley, Mallory, Mann, McClellan, McKinne, Powers, Proctor, Roberts and Speer—17.

Nays—Messrs. Bryson, Dell, Hankins, Landrum, Mountien, Polhill and Swearingen—7.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Senate bill No. 66:

To be entitled an act to change the division line between Escambia and Santa Rosa counties, in this State,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Baker, Chandler, Cone, Cottrell, Crill, Delano, Dell, Duncan, Fortner, Greeley, Hankins, Hendricks, Lesley, Mallory, Mann, Mountien, McKinne, Polhill, Pope, Proctor, Roberts, Sharpe, Sheppard and Speer—25.

Nays—Messrs. Hatcher and Landrum—2.

So the bill passed, having received a two-thirds vote, title as stated.

Ordered that the same be certified to the Assembly.

REPORTS OF STANDING COMMITTEES.

Mr. Hatcher, Chairman of the Committee on State Boundaries, made the following report:

SENATE CHAMBER, Tallahassee, Fla., January 23, 1883.

HON. L. W. BETHEL,

President of the Senate:

SIR—Your Committee on State Boundaries, to whom was referred—

Assembly bill No. 56, to be entitled an act to define the boundary line between Lafayette and Taylor counties in this State,

Beg leave to report that we have examined the same and recommend that it do pass.

Very respectfully,

H. HATCHER,

Chairman Committee on State Boundaries.

Which was read and adopted.

Mr. Hatcher, Chairman of the Committee on Post Routes, made the following report:

SENATE CHAMBER, Tallahassee, Fla., January 23, 1883.

HON. L. W. BETHEL,

President of the Senate:

SIR—Your Committee on Post Routes also beg leave to report that they have examined—

A memorial to Congress asking a mail route from Live Oak, by Rock Creek and Hortan's Ferry, in Suwannee county, thence by Fort Anderson to Scrub, in Lafayette county,

And recommend that it do pass.

Very respectfully,

H. HATCHER,

Chairman Committee on Post Routes.

Which was read and adopted.

The Committee on Education made the following report:

SENATE CHAMBER, Tallahassee, Fla., January 23, 1883.

HON. L. W. BETHEL,

President of the Senate:

SIR—Your Committee on Education, to whom was referred—

Assembly bill No. 16, to be entitled an act authorizing the Board of Education to compromise and settle with the counties indebted to the School and Seminary Fund,

Beg leave to report that they have had the same under consideration, and recommend that it do pass.

Very respectfully,

E. S. CRILL, Chairman.

FRANK W. POPE,

J. M. LANDRUM,

H. H. DUNCAN.

Which was read and adopted.

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

Which was agreed to.