

Mr. Baker offered the following amendment:
Section 13, line 5, strike out "at the earliest possible day" and insert "within ten years;"

Which was adopted.

Mr. Hatcher offered the following amendment:

[No copy furnished.]

Which was withdrawn.

Mr. Delano's amendment was withdrawn.

The bill as amended was ordered to be engrossed.

Mr. Delano moved to reconsider the action of the Senate just taken on the bill ordered to be engrossed;

Which was agreed to.

Mr. Cottrell offered the following amendment:

SEC. 19. All debts due and contracted by the Company for work and labor done and performed by any person or persons, or for material furnished by any person or persons, in the construction of said canal, shall be a first lien on the said canal, and all the fixtures attached and belonging to the same, in favor of the person or persons performing such work and labor, and furnishing the materials, provided that a true description and amount of such work and labor done and performed, and materials furnished, shall be recorded in the office of the Clerk of the Circuit Court of the county in which the work and labor was done and performed, and in which the materials were furnished within six months after the work and labor was done and performed and materials furnished;

Which was adopted.

Mr. Baker offered the following amendment:

SEC. 20. That nothing in this act shall conflict with any vested rights of any chartered or incorporated Canal Company, or prevent a charter being granted to any other company;

Which was adopted.

Mr. Mann offered the following amendment to the amendment:

Amend the amendment as follows:

Provided, That no other charter shall interfere with the rights hereby granted to this company;

Which was adopted.

The amendment, as amended, was adopted.

The bill, as amended, was ordered to be engrossed.

By leave, Mr. Greeley introduced the following bill:

Senate bill No. 199:

To be entitled an act in relation to duties of city and town Assessors and Boards of Aldermen.

On motion of Mr. Greeley, the rule was waived by a two-

thirds vote, and the bill was read the first time by its title and referred to the Judiciary Committee.

Mr. Greeley presented at the Secretary's desk the following communication, and requested the same to be read; so ordered, and the Secretary read the following:

TALLAHASSEE, FLA., February 9, 1883.

I. M. Auld, Sergeant-at-Arms, Senate Chamber; J. R. Mozley, Sergeant-at-Arms, Assembly Hall:

GENTS—W. M. Davidson, Esq., (our General Manager,) having instructed me to have special train ready on Wednesday, the 14th instant, to carry the members of the Senate and Assembly to Jacksonville and return, for the purpose of visiting the State Fair, you would confer a favor by advising me as soon as convenient at what hour you would like to leave Tallahassee.

Very respectfully yours, etc.,

J. S. McELROY,
M. of T. and M.

Mr. Baker moved that a committee of two Senators be appointed to confer with Mr. McElroy and report the results to the Senate;

Which was agreed to.

Messrs. Baker and Swearingen were appointed such committee.

On motion, the Senate adjourned until 10 o'clock a. m. to-morrow.

SATURDAY, February 10, 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, Chandler, Cole, Cone, Cottrell, Crill, Delano, Duncan, Fortner, Hatcher, Hendricks, Landrum, Lesley, Mann, Mountien, McKinne, Polhill, Pope, Powers, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—26.

A quorum present.

Prayer by the Chaplain.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY HALL, Tallahassee, Fla., Feb. 9, 1883.

HON. L. W. BETHEL,
President of the Senate :

SIR—I am directed by the Assembly to return to the Senate for correction—

Senate memorial to Congress relative to education.

Very respectfully,
WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read.

Also the following :

ASSEMBLY HALL, Tallahassee, Fla., Feb. 9, 1883.

HON. L. W. BETHEL,
President of the Senate :

SIR—I am directed by the Assembly to inform the Senate that the Assembly has concurred in Senate amendments to—

Assembly bill No. 107, to be entitled an act for the relief of Jacksonville, and the counties of Baker, Bradford, Columbia, Suwannee, Madison, Jefferson, Duval and Leon.

Very respectfully,
WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read.

Also the following :

ASSEMBLY HALL, Tallahassee, Fla., Feb. 9, 1883.

HON. L. W. BETHEL,
President of the Senate :

SIR—I am directed by the Assembly to inform the Senate that the Assembly has passed—

Assembly joint resolution in reference to a Constitutional Convention, by a two-thirds vote ; also passed

Assembly joint resolution recommending the electors at the next election to vote for or against a convention,

And respectfully request the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read.

Mr. Crill moved that the communication from the Assembly, that it had passed Joint Resolution in reference to a Constitutional Convention, be returned to the Assembly, and respectfully ask that they correct the same ;

Which was so ordered.

Also,

That the resolution lay on the table, subject to be called up ;
Which was agreed to.

BILLS ON SECOND READING.

Senate bill No. 80 :

To be entitled an act for the relief of M. Lively,

Was read the second time and ordered to be engrossed.

Substitute for Senate bill No. 99 :

To be entitled an act to make appropriations to cover rewards offered by the Governor for the arrests of fugitives from justice for the years 1883 and 1884,

Was read the second time and ordered to be engrossed.

Mr. McKinne moved that the Committee on Railroads be requested to hand in their report on

Senate bill No. 20 :

To be entitled an act to create a commission to provide for the regulation of freight and passenger tariffs on railroads and steamboats in this State ;

Which was agreed to.

Mr. Delano, Chairman of the Committee on Railroads and Telegraphs, made the following report :

SENATE CHAMBER, Tallahassee, Fla., February 10, 1883.

HON. L. W. BETHEL,
President of the Senate :

SIR—Your committee beg leave to report that they have had under consideration Senate bill No. 20, entitled an act, to create a commission to provide for the regulation of freight and passenger tariffs on railroads and steamboats in this State, which is reported back with the recommendation that it do not pass. Owing to the importance and magnitude of the interests affected by its provisions, and the wide attention which this bill has attracted, your committee deem it proper that a concise statement of the several reasons which have prompted its unfavorable consideration should be embodied in its report.

Your committee have thoroughly considered, in relation to the provisions of this bill, the interests of Florida, her people and her railroads, and have inquired into the evils which have given rise to like legislation in this State and the efficacy of remedies resorted to in other States. We would state, as a general proposition, that all railroad legislation springs from the inability of the people and the railroads to adjust their mutual interests and obligations among themselves. We find, as far as we have been able to pursue our investigations, that all railroad commissions are established to correct two evils,

namely, to prevent unjust and unreasonable rates and unjust discriminations for the benefit of favored persons or localities.

After giving the friends of the bill, as well as those opposed to its passage, an opportunity of being heard, and after seeking information from all proper and available sources, we do not find that either of these evils exist in Florida, certainly not to such an extent as to render the creation of a commission a public necessity. We need no physician while in health, and Florida does not need a remedy for evils that do not exist; if our railroads were guilty of making unjust discriminations we do not believe a commission could correct such an evil, for the reason that the United States Constitution prohibits State interference with interstate commerce, and this inhibition places interstate transportation beyond the jurisdiction of any commission we might or could establish. Another and very potent influence moving your committee to make this adverse report lies in the fact that our railroad system is incomplete. Railroads are an absolute necessity to our State; we ship abroad 90 percent of our products, while of articles consumed, we buy at least 75 per cent. from other States, as consumers; and as producers, we need more roads and better transportation facilities. Our railroads are entering upon a new and brighter era; they are developing our State, adding to our population and taxable property, and increasing our productions as nothing else could. To keep alive and in full vigor that encouraging spirit of progress which is now beginning to take such hold upon our people, to develop our railroad system, to stimulate the important and necessary work of internal improvement, we must must invite and not repel capital. Always timid and wary, capital will not enter a field where it will be fettered. Under this bill the authority of the commission would be absolute and its edicts irrevocable, except at the will of the Commissioners, and from its decrees the railroads would have no appeal. The roads would be without remedy, except by grace of the commission, and this remarkable power would frighten capital from our State and thereby tend largely to paralyze our growing industries. The creation of the commission provided for in this bill, is unnecessary in point of fact, and would be unwise as a matter of State policy. There are two important facts upon which the future of Florida depends, to-wit: She must have quick transit and immigration. The perishable character of her products make the first an absolute necessity, and this necessity will grow as the State grows, and will continue forever. Time saved in the shipment of her products adds largely to their value. Nothing can supply this necessity but her present and future railroads.

Any legislation, therefore, that would retard or suppress

her developing railroad interests, would be a public calamity. Immigration is next to quick transit Florida's most pressing need; with a larger area than Georgia, we have but one-sixth as many people.

Immigration bureaus serve a good purpose as channels for the communication of information, but they are as powerless to induce immigration without the aid of railroads as they would be to make the sun rise at midnight. These two necessities render Florida unlike any other State in the Union. The development of our railroads furnishes the only key to the solution of these two problems, and upon their wise solution depends the future growth, prosperity and grandeur of the State. Without railroads, quick transit and immigration are impossibilities; with railroads, they are certainties. We should, therefore, foster and not frighten them. In addition to the above reasons we may say that an increased expense of ten thousand dollars per annum, or more, would be added to the expenses of the State to defray the salaries and traveling expenses of the Commission.

Your Committee submit these views as the basis of their adverse report.

Very respectfully,

CHAS. DELANO, Chairman.
JOHN T. LESLEY,
WM. BRYSON,
J. G. SPEER,
J. C. GREELEY.

Which was read.

Mr. McKinne submitted the following minority report:

SENATE CHAMBER, Tallahassee, Fla., February 10, 1883.

HON. L. W. BETHEL,

President of the Senate:

SIR—I am unable to agree with the adverse conclusion of the majority of the committee to whom was referred Senate bill No. 20, being a bill to be entitled an act to create a Commission to provide for the regulation of freight and passenger tariffs on railroads and steamboats in this State.

They say that "as a general proposition" all railroad legislation springs from the inability of the people and the railroads to adjust their mutual interests and obligations among themselves, "and that they find, as far as they have been able to pursue their investigations, that all railroad commissions are established to correct two evils, viz: to prevent unjust and unreasonable rates and unjust discrimination for the benefit of favored persons or localities." If

by this the majority mean that the necessity for all such commissions arises out of the unjust and unreasonable rates of freight and passenger-charges by railroad companies and the unjust discrimination by such companies in favor of certain persons and localities, and the absolute necessity for such commission, or other legal agency, to protect the people against such unjust charges and discrimination by such companies, then I agree with them. The adjustment of "mutual interests and obligations" which has been sought through legislation by railroad companies in this State, outside of acquiring a mere corporate existence, has, "as a general proposition," been securing aid through endorsement of bonds or by grant of lands, or exemption from taxation, as necessary to enable the projectors to build the roads, and to exempt them from participating in bearing the burden of taxation which is so certain to come on all natural and artificial beings in Florida, excepting it be a railroad company. I do not assent to the assertion that the evils of unjust rates or discrimination do not exist in Florida. It has been for years the common complaint, and has been fully shown to be well founded.

My brethren of the majority say "if our railroads were guilty of making unjust discriminations we do not believe a commission could correct such an evil, for the reason that the United States Constitution prohibits State interference with inter-State commerce, and this inhibition places inter-State transportation beyond the jurisdiction of any commission we might or could establish." In the case of the *Chicago, Burlington and Quincy R. R. Co. vs. The State of Iowa*, decided by the United States Supreme Court at the October Term, 1876, it was held that a State had power to establish maximum rates of charges for transportation of freight and passengers where it has not contracted not to do so, and that such an act was not a regulation of *inter-State* commerce. Chief-Justice Waite, in delivering the opinion of the court, said: "The objection that the statute complained of is void because it amounts to a *regulation of commerce between the States* has been sufficiently considered in the case of *Munn vs. Illinois*. This road, like the ware-house in that State, is situated within the limits of a single State. Its business is carried on there, and its regulation is a matter of domestic concern. It is employed in State as well as *inter-State* commerce, and until Congress acts the State must be permitted to adopt such rules and regulations as may be necessary for the promotion of the general welfare of the people within its own jurisdiction, even though in so doing those without may be indirectly affected."

It has been said by the same court that "it is not everything that affects commerce that amounts to a regulation of it within the meaning of the Constitution," and in the case of *Munn vs. Illinois*, also *Peik vs. Chicago, &c., R. R. Company*, 94 U. S., 164; 94 U. S., 113, the court say, in speaking of the grain ware-houses: "Their regulation is a thing of domestic concern, and certainly until Congress acts in reference to their inter-State relations, the State may exercise all the powers of government over them, even though in so doing it may indirectly operate upon commerce outside its immediate jurisdiction."

The court held in this case that "where warehouses are situated and their business is carried on exclusively within a State, she may, as a matter of domestic concern, prescribe regulations for them, notwithstanding they are used as instruments by those engaged in inter-State commerce as well as State commerce." In view of this high authority, and until Congress shall have more fully regulated inter-State commerce, I feel justified in saying that the fact that two or three of the railroads of this State are, and will be, used as instruments of inter-State commerce, is no objection, in a Constitutional point of view, to the regulation of rates of freight upon these or any other roads. Nor can there be any reason, in fact, upon this inter-State commerce theory why this bill, with such reasonable amendments as the wisdom and ability of the Legislature may suggest (for it was introduced more as a means of bringing the subject before the Legislature, than with the idea that it was perfect in itself), should not be made practically successful in Florida. No one will deny that Georgia and other States having Commissions have more inter-State commerce than Florida, or that in these States the same obstacle, if it be one, had to be met and was overcome, or that in them there are more lines of railroad running in from and out to other States, than Florida. Experience in these States has shown that there is as little in this objection in fact, as the law books show there is in it in law. The idea advanced that such a statute as is proposed would retard the development of our railroad system, can find no basis except upon the assumption that a railroad commission would necessarily do injustice to railroad companies. "Under this bill," say the majority of the committee, "the authority of the commissioners would be absolute, and its edicts irrevocable except at the will of the commissioners, and from its decrees the railroads would have no appeal."

If the abstract idea of lodging in a body of persons final authority were a good objection to the formation of any such body, then Supreme Courts ought not to exist; nor ought

many other governmental agencies. With this final authority, the Commission of Georgia proves, in the judgement of her people as expressed through her law-makers, a benefit to Georgia, and so it may be said of Alabama and other States. If this is an objectionable feature in the bill, why not give power to the courts to keep it within certain limits and to reserve and restrain its action in certain cases? For myself, however, I am satisfied there can be found men in Florida of that ability and soundness of judgement which will insure protection to the people and justice to the railroad companies if called upon to act as such Commissioners. I am unable to see how such a Commission will prevent Florida from having either "quick transit" or from attracting "immigration." Slower transit than that we now have would be difficult to get. It is much faster in those States where Commissions exist. In the opinion of the other members of the Committee "quick transit" and "immigration" are the two important facts upon which the future of Florida depends. If this be true, then it behooves this Legislature, at least so far as the "transit" is concerned, to provide some legal guardian to secure it from the railroad companies, for without such guardian we have never yet had even the reputation of having it. If our railroads could be brought up to anything like the standard of those in Georgia and other "Commission" States, it would be a great blessing to the immigrants who have for the last six years been filling up our State so rapidly, as well as an inducement to future immigration. Independence of the people begets indifference to public interests, and I believe that a Commission would exercise a most wholesome influence in working an improvement in our railroads and their service.

We certainly "need more roads" in some localities, both as producers and consumers, not only to induce immigration, but to carry out the products of citizens who have long anticipated and are still in large numbers anticipating the advent of any railroad, and we need better transportation facilities over the old lines of railroad instead of promises thereof, which have so far proved as impossible and seem as improbable of performance as for "the sun to rise at midnight." Though I do not deem it necessary to discuss the question suggested by the majority of the power of Immigration Bureaus to induce immigration without the aid of railroads, still I may remark that it is a well known fact that prior to three years ago South Florida was without a railroad, and yet it has been to that section that the vast immigration to our State has gone and is going. It is a further fact that with the exception of the section of country along the old "Florida" railroad, where great

efforts were made by the company operating the road to induce immigration, there has been, and is now, virtually no immigration in parts of the State which have been long blessed with these great auxiliaries to immigration. The vast body of the new as well as the old population of South Florida, preceded railroads, and could have received no inducement from Florida railroads to immigration. No State has so great a moral right to resort to law to regulate railroads or protect her citizens against them as Florida, for every road in the State has been the object of her generous bounty. Her vast landed domain has been almost entirely devoted to railroad enterprises. I do not believe the expense of a commission would exceed six thousand dollars per year. If expense be an objection, why not devolve the duties upon the Governor and two of his cabinet, or the Governor and two commissioners, or a cabinet officer and two commissioners, to be appointed?

I most respectfully submit the above as a minority report.

J. H. MCKINNE,

Member of Committee on Railroads.

Which was read.

Mr. McKinne moved the adoption of the minority report.

Mr. Delano moved that the further consideration of the reports be postponed, and be made the special order for Saturday next.

Mr. Mallory moved to amend by naming Tuesday night at 7:30 o'clock.

Mr. Mallory withdrew his motion.

On Mr. Delano's motion to postpone the further consideration until Saturday next, the yeas and nays being called for, the vote was:

Yeas—Messrs. Chandler, Cone, Cottrell, Crill, Delano, Duncan, Fortner, Hatcher, Landrum, Lesley, Mountien, McKinne, Powers, Proctor, Roberts and Speer—16.

Nays—Messrs. Allen, Mallory, Sharpe, Sheppard and Swearingen—5.

Which was agreed to.

For the purpose of moving a reconsideration of the vote just taken, Mr. McKinne changed from no to aye.

Mr. McKinne moved a reconsideration of the vote just taken, to be called up on Monday.

Mr. Delano moved that the rule be waived, and that the vote just taken on the postponement of the further consideration until Saturday next be reconsidered.

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

Yeas—Messrs. Allen, Chandler, Cole, Crill, Delano, Hatcher, Lesley, Mountien, Powers, Proctor and Speer—11.

Nays—Messrs. Cone, Fortner, Hendricks, Landrum, Mallory, McKinne, Roberts, Sharpe, Sheppard and Swearingen—10.

Two-thirds not voting in the affirmative, the motion was not agreed to.

By leave, Mr. Mallory introduced the following bill :

Senate bill No. 200 :

To be entitled an act to limit the number of pilots for bar of Pensacola ;

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

Also,

Senate bill No. 201 :

To be entitled an act to repeal Chapter 3160, Laws of Florida, being an act to amend an act entitled an act to prevent excessive rates of pilotage, approved February 14, 1874, approved March 7, 1879, and to repeal Chapter 2019, Laws of Florida, approved March 14, 1874, entitled an act to prevent excessive rates of pilotage ;

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

By Mr. McKinne :

Senate bill No. 202 :

To be entitled an act to legalize last wills and testaments of married women ;

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

By Mr. Hendricks :

Senate bill No. 203 :

To be entitled an act for taking testimony in Chancery cases ;

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

By Mr. Landrum :

Senate bill No. 204 :

To be entitled an act to authorize Dario and Rinaldo Piazzio, and such other persons as may become associated with them, to construct, stretch and keep booms across the mouths of Yellow river, in Santa Rosa county, in the State of Florida ;

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

By Mr. McKinne :

Senate bill No. 205 :

To be entitled an act to allow parties to testify in divorce cases.

On motion of Mr. McKinne, the rule was waived by a two-

thirds vote, and the bill read the first time by its title and referred to the Committee on Judiciary.

The following message was received from the Assembly :

ASSEMBLY HALL, Tallahassee, Fla., Feb. 10, 1883.

HON. L. W. BETHEL,

President of the Senate :

SIR : I am directed by the Assembly to inform the Senate that the Assembly has corrected the error in the joint resolution relative to a Constitutional Convention, and would respectfully beg leave to return to the Senate

Senate joint resolution in reference to a Constitutional Convention, with an amendment by striking out the word "and" after the word "to," and before the word "the,"

And respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read and concurred in by the Senate.

BILLS ON SECOND READING.

Senate bill No. 190 :

To be entitled an act in relation to garnishment.

The bill was ordered to lie over.

Senate bill No. 150 :

To be entitled an act to require Tax Collectors to reside, or keep a deputy, at the county site of of the several counties of this State.

The Committee offered the following amendments :

Amendments to Senate bill No. 150, recommended by Committee :

In Section 1, line 4, strike out "is" and insert "are."

In Section 2, line 3, after the word "taxes," insert "not less than ;

Which were adopted.

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

Senate bill No. 191 :

To be entitled an act to prescribe the duties of the Treasurer of this State,

Was read the second time and ordered to be engrossed.

Senate bill No. 127 :

To be entitled an act to repeal Chapter 350, Laws of Florida, entitled an act in relation to the duties of the Comptroller and Treasurer of this State, approved January 24, 1857,

Was read the second time and ordered to be engrossed.

Senate bill No. 165 :

To be entitled an act for the relief of persons who through mistake have put improvements on the lands of others,
Was read the second time and ordered to be engrossed.

Senate bill No. 189:

To be entitled an act to incorporate the Water Works Company of Pensacola,

Was read the second time and ordered to be engrossed.

Assembly bill No. 129:

To be entitled an act to change the name of Pease creek to Davidson river.

The committee offered the following amendments to Assembly bill No. 129:

Amend title to read as follows:

"A bill to be entitled an act to change the name of Pease creek, in the counties of Polk and Manatee, to Pease river."

In line 26 of preamble, strike out the word "Davidson," and insert the word "Pease" in lieu thereof.

In line 7, section 1, strike out the word "Davidson," and insert "Pease" in lieu thereof.

In line 13, section 7, strike out the word "Davidson," and insert the word "Pease" in lieu thereof.

Mr. Lesley offered the following amendment:

Strike out "Pease" and insert "Peace;"

Which was adopted.

BILLS ON THIRD READING.

Assembly bill No. 140:

To be entitled an act for the adoption of two children by R. H. M. Starling and his wife Samantha Starling.

Mr. Mann asked if this bill made twins of these children.

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

The vote was:

Yeas—Messrs. Allen, Chandler, Cole, Cone, Delano, Hatcher, Landrum, Lesley, Mallory, Mann, McKinne, Polhill, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—18.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

BILLS ON SECOND READING.

Assembly bill No. 119:

To be entitled an act to prescribe the duties of the Pilot Commissioners relative to ports, harbors, bays and rivers of the State of Florida,

Was read the second time and placed among the orders of the day.

Assembly Joint Resolution No. 37,

In relation to the dredging in the harbor of Key West, Florida.

On motion of Mr. Alien, the rule was waived by a two-thirds vote, and the bill was read the second time by its title.

On motion of Mr. Allen, the rule was waived by a two-thirds vote, and the bill was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Chandler, Cole, Cone, Crill, Delano, Duncan, Hatcher, Hendricks, Landrum, Lesley, Mallory, McKinne, Polhill, Powers, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—21.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

By leave, Mr. Duncan introduced the following bill:

Senate bill No. 206:

To be entitled an act to permit the registered voters of Sumter county to change the location of the county seat of said county;

Which was read the first time by its title.

On motion of Mr. Duncan, the rule was waived by a two-thirds vote, and the bill was read the second time by its title.

On motion of Mr. Duncan, the rule was waived by a two-thirds vote, and the bill was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Baker, Chandler, Delano, Duncan, Hatcher, Hendricks, Landrum, Mallory, Polhill, Pope, Powers, Proctor, Roberts, Sharpe and Sheppard—16.

Nays—Messrs. Cole, Crill and Lesley—3.

So the bill passed, title as stated.

Mr. Speer was excused from voting on the bill.

Mr. Swearingen was excused from voting on the bill.

Mr. Duncan asked that the bill be certified at once to the Assembly;

Which was so ordered.

BILLS ON SECOND READING.

Assembly bill No. 166:

To be entitled an act providing for the introduction of copies of certain records, pleadings, deeds and other instruments of writing in evidence, and to declare the effect thereof,

Was read the second time.

Mr. Mallory moved the indefinite postponement of the bill;

Which was agreed to.

So the bill was indefinitely postponed.

Assembly bill No. 43 :
 To be entitled an act to prescribe a mode whereby counties may erect court-houses and other public buildings,
 Was read the second time.
 Mr. Chandler offered the following amendment :
 Amend by striking out " five " and inserting " two ;"
 Which was adopted.
 The bill, as amended, was read the second time and placed among the orders of the day.
 The following message was received from the Assembly :

ASSEMBLY HALL, Tallahassee, Fla., Feb. 7, 1883.

HON. L. W. BETHEL,

President of the Senate :

SIR—I am directed by the Assembly to inform the Senate that the Assembly has indefinitely postponed—
 Senate bill No. 7, to be entitled an act in relation to mortgaged cotton and other agricultural products.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read and the accompanying bill placed among the orders of the day.
 Also the following :

ASSEMBLY HALL, Tallahassee, Fla., Feb. 10, 1883.

HON. L. W. BETHEL,

President of the Senate :

SIR—I am directed by the Assembly to inform the Senate that the Assembly has passed—

Senate bill No. 167, to be entitled an act to legalize and give full force and effect to the appointment of Nicholas Comforter and Jas. R. Pickett, Jr., as half-branch Pilots of Apalachicola, and to allow their promotion; also,

Adopted Assembly joint resolution relative to national aid to education,

And respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

The Assembly joint resolution relative to national aid to education, was read the first time and referred to the Committee on Education.

Assembly bill No. 111 :

To be entitled an act for the relief of Mrs. Hannah Johnson,

Was read the second time and placed among the orders of the day.

Assembly bill No. 118 :

To be entitled an act for the relief of Louis Hertzog,
 Was read the second time and placed among the orders of the day.

On motion of Mr. Lesley, the rule was waived by a two-thirds vote, and the bill was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Baker, Chandler, Cole, Cone, Crill, Fortner, Hatcher, Hendricks, Lesley, Mallory, Mann, McKinne, Polhill, Powers, Proctor, Sharpe, Sheppard, Speer and Swearingen—20.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

By leave, Mr. Sharpe introduced the following memorial :

A memorial to Congress asking for the completion of the survey of the lands belonging to the United States in the State of Florida.

The People of the State of Florida, represented in Senate and Assembly, do enact as follows : That our Senators and Representatives in Congress be requested to use their influence to secure the completion of the survey of the lands belong to the United States south of latitude 27, in the counties of Dade, Monroe and Manatee, in this State.

Resolved further, That the Secretary of State furnish copies of this resolution to our Senators and Representatives in Congress.

On motion, the rule was waived by a two-thirds vote, and the memorial was read the second time by its title.

On motion, the rule was waived by a two-thirds vote and the memorial was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Baker, Chandler, Cole, Cone, Duncan, Fortner, Hatcher, Hendricks, Lesley, Mallory, McKinne, Polhill, Pope, Powers, Proctor, Sharpe, Sheppard, Speer and Swearingen—20.

Nays—None.

So the memorial passed, title as stated.

Ordered that the same be certified to the Assembly.

The following report was submitted :

SENATE CHAMBER, Tallahassee, Fla., February 10, 1883.

HON. L. W. BETHEL,

President of the Senate :

SIR—Your committee to confer with Assembly Committee

of Arrangements for the excursion of the Legislature to Jacksonville on the 15th,

Beq leave to report that the railroad authorities will have a special train leave here on Wednesday morning, at 9 o'clock, and return, leaving Jacksonville at 9 o'clock Thursday night.

Very respectfully,

H. C. BAKER,
Chairman of Committee.

Mr. Pope offered the following substitute :

Resolved, That it is the sense of this body that the action taken on the —th inst., relative to visiting Jacksonville to attend the State Fair be and the same is hereby rescinded, and that this Senate do stay here and dispose of the business that has accumulated to such large proportions on the Secretary's desk.

Mr. Chandler raised a point of order that the substitute was not germane to the subject ;

Which was sustained.

On motion of Mr. Swearingen, the report of the committee was recommitted.

BILLS ON SECOND READING.

Assembly bill No. 81 :

To be entitled an act to empower County Surveyors to appoint Deputies.

The committee offered the following amendment to Section 2 :

SEC. 2. That all County Surveyors heretofore appointed, and who may hereafter be appointed, shall enter into bond, payable to the Governor of the State of Florida and his successors in office, in the sum of five hundred dollars, conditioned for the faithful performance of all the duties of their offices, and that they are responsible for all damages any person may sustain by reason of any wrongful or false survey made by them or their deputies, which bond shall be approved by the County Commissioners of their respective counties. That any County Surveyor who, by himself or deputy, shall proceed to perform any of the duties of his office without first entering into the bond above provided for, with two or more sufficient sureties, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten nor more than one hundred dollars, or by imprisonment in the county jail not more than six months ;

Which was adopted.

The bill, as amended, was read the second time and placed among the orders of the day.

Joint Memorial to Congress relating to public health, requesting our Senators and Representatives to secure the aid

of the General Government to prevent the entrance of epidemic diseases.

The Committee offered the following amendment :

In title, strike out the word " memorial " and insert the word " resolution " in lieu thereof.

2d. That the following words in the paragraph of the resolution be stricken out, viz : " That extraordinary services on the part of citizens of this State may be no longer required for the public good without compensation and ; "

Which were adopted.

The memorial, as amended, was read the second time and placed among the orders of the day.

The special committee of arrangements on the Jacksonville excursion were discharged.

Ten minutes after 1 o'clock the Senate went into executive session.

Thirty-five minutes after 1 o'clock the doors of the Senate were opened.

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

CONFIRMATIONS.

P. W. White, to be Commissioner of Lands and Immigration.

B. D. Wadsworth, to be Collector of Revenue for Madison county.

W. P. Thompson, to be Assessor of Taxes for Madison county.

W. R. Saunders, to be Assessor of Taxes for Brevard county.

FOUR O'CLOCK P. M.

The Senate resumed its session.

The President in the chair.

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

Messrs. Allen, Baker, Chandler, Cole, Cone, Cottrell, Crill, Duncan, Fortner, Hatcher, Henricks, Landrum, Lesley, Mann, Mountien, McKinne, Polhill, Pope, Powers, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—25.

A quorum present.

BILLS ON THIRD READING.

Senate bill No. 96 :

To be entitled an act to change the county line between the counties of Clay and Putnan,

Was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Baker, Chandler, Cole, Cone, Cottrell, Fortner, Hatcher, Hendricks, Landrum, Mountien, McKinne, Polhill, Pope, Powers, Proctor, Roberts, Sharpe, Sheppard, Speer and Swearingen—21.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Mr. Crill was excused from voting on the bill for the reason that a very large portion of the people residing in the part to be annexed to Clay county ask by petition for such change of line.

By leave, Mr. McKinne introduced the following bill:

Senate bill No. 206:

To be entitled an act to amend Sections 1, 2 and 3, of Chapter 792, Laws of Florida, being an act entitled an act to provide for the maintenance, care and custody of lunatics or insane persons of this State, approved December 27, 1856;

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

BILLS ON THIRD READING.

Senate bill No. 122:

To be entitled an act to provide for the amendment of charters granted by the Legislature or organized under the general incorporation acts of the State,

Was laid over until 11 o'clock a. m. Monday.

Substitute for Senate bill No. 28;

To be entitled an act to authorize the adoption of Lydia Wright by Wm. B. Gaines, of Santa Rosa county, and make her his heir-at-law,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Baker, Chandler, Cole, Cone, Duncan, Fortner, Hatcher, Hendricks, Landrum, Lesley, Mountien, McKinne, Polhill, Powers, Proctor, Roberts, Sharpe, Sheppard and Swearingen—20.

Nay—Mr. Cottrell—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The Sergeant-at-Arms was excused for to-day.

Senate bill No. 149:

To be entitled an act to amend Section 2, Chapter 3025, Laws of Florida, approved March 2, 1877, being an act to amend an act entitled an act to provide for the incorporation of cities and towns, and to establish a uniform system of municipal government, approved February 4, 1869,

Was laid over until Monday.

Senate bill No. 161:

To be entitled an act to incorporate Pine Hill Grange No. 41, Patrons of Husbandry, in Bradford county, Florida,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Allen, Chandler, Cole, Cone, Cottrell, Crill, Duncan, Fortner, Hatcher, Hendricks, Landrum, Lesley, Mountien, McKinne, Polhill, Powers, Proctor, Roberts, Sheppard and Swearingen—20.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Mr. McKinne moved that a committee of three be appointed from the Senate to confer with the committee from the Assembly on arrangements for the visit of the Legislature to Jacksonville to attend the Fair;

Which was agreed to.

Messrs. McKinne, Crill and Swearingen were appointed such committee.

Mr. Hendricks offered the following resolution:

WHEREAS, A majority of the Senate desire to visit the State Fair; therefore, be it

Resolved, That we hold night sessions, beginning at 7½ P. M. to make good the time spent in visiting the fair.

Mr. Delano moved to lay the resolution on the table.

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

Yeas—Messrs. Chandler, Cottrell, Crill, Delano, Fortner, Hatcher and Proctor—7.

Nays—Messrs. Allen, Cole, Cone, Duncan, Hendricks, Landrum, Lesley, Mountien, McKinne, Polhill, Powers, Roberts and Swearingen—13.

Which was not agreed to.

The Committee appointed to confer with the Committee of the Assembly on the visit by the Legislature to the Jacksonville fair, reported that they had discharged the duty entrusted, and asked to be discharged.

The Committee was discharged.

Mr. Pope offered the following as a substitute for the resolution of Mr. Hendricks:

WHEREAS, It is inexpedient, in view of the cost, loss of time and accumulation of business before the Legislature, to attend the State Fair at Jacksonville; therefore, be it

Resolved by the Senate, the Assembly concurring, That the action taken by the two Houses relative to attending the said fair be and the same is hereby rescinded, and that the business

of the State be proceeded with with as little delay as possible.

The yeas and nays being called, the vote was :

Yeas—Messrs. Allen, Cole, Cottrell, Crill, Delano, Duncan, McKinne, Polhill, Pope and Swearingen—10.

Nays—Messrs. Baker, Chandler, Cone, Fortner, Hatcher, Hendricks, Landrum, Mann, Mountien, Powers, Proctor, Roberts and Sharpe—13.

So the substitute was not adopted.

Mr. Speer was excused on account of sickness until Friday.

Mr. Hendricks withdrew his resolution.

BILLS ON THIRD READING.

Senate bill No. 156 :

To be entitled an act to amend an act to provide for the speedy determination of certain issues of law in the several Circuit Courts of the State, being Chapter 3001, Laws of Florida, approved February 17th, 1877,

Was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Baker, Chandler, Cole, Cone, Cottrell, Duncan, Fortner, Hatcher, Hendricks, Lesley, Mountien, McKinne, Polhill, Pope, Powers, Proctor, Roberts, Sharpe, Sheppard and Swearingen—21.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

The following message was received from the Assembly :

ASSEMBLY HALL, Tallahassee, Fla., Feb. 10, 1883.

HON. L. W. BETHEL,

President of the Senate :

SIR—I am directed by the Assembly to inform the Senate that the Assembly has appointed Messrs. Harris, Blackwell and Hall a committee on part of the Assembly, to act with a similar committee on part of the Senate, to arrange the time of departure, and of returning, of the Legislature to the State Fair at Jacksonville.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk of the Assembly.

Which was read.

Mr. McKinne moved that the Chair appoint a committee of three to confer with the committee from the Assembly relative to the time of departure and return of the Senate and Assembly from Jacksonville ;

Which was agreed to.

Messrs. McKinne, Pope and Sharpe were appointed such committee.

BILLS ON THIRD READING.

Senate bill No. 160 :

To be entitled an act to amend an act entitled an act to amend the several acts now in force concerning divorces, approved February 14, 1835 ;

Was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Allen, Baker, Cole, Cottrell, Delano, Fortner, Hatcher, Hendricks, McKinne, Pope, Sheppard and Swearingen—12.

Nays—Messrs. Chandler, Duncan, Landrum, Lesley, Mountien, Powers and Roberts—7.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Mr. McKinne, Chairman of the committee from the Senate, reported that they had conferred with a similar committee from the Assembly, and have agreed that the Legislature leave Tallahassee at 3:30 o'clock P. M., on Wednesday, for Jacksonville, and that they return on Thursday night, and asked to be discharged.

On motion of Mr. Powers, the report of the committee was adopted and the committee were discharged.

BILLS ON THIRD READING.

Senate bill No. 178 :

To be entitled an act to authorize D. M. Blicht to establish and operate a public ferry across the Withlacoochee river,

Was read the third time and put upon its passage.

The vote was :

Yeas—Messrs. Baker, Chandler, Cole, Cone, Cottrell, Delano, Duncan, Fortner, Hatcher, Hendricks, Landrum, Lesley, Polhill, Powers, Proctor, Roberts, Sheppard and Swearingen—18.

Nays—Messrs. Allen, Pope and Sharpe—3.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Mr. Hatcher moved that the Senate adjourn until Monday, 10 o'clock A. M. ;

Which was agreed to.

MONDAY, February 12th, 1883.

The Senate met pursuant to adjournment.
The President in the chair.