

MONDAY, January 19, 1885.

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

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

Messrs. Baker, Bryson, Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mann, McKinné, Neel, Sheppard, Speer, Stripling and Williams—18.  
A quorum present.

Prayer by the Chaplain.

READING OF THE JOURNAL.

On motion of Mr. Baker, the further reading of the journal was dispensed with.

INTRODUCTION OF RESOLUTIONS, MEMORIALS AND PETITIONS.

Mr. Bryson offered the following resolution:

WHEREAS, It appears from the evidence submitted with the report of the Committee on Indian War Claims that there is a large sum of money due the State of Florida by the General Government, and that the same can and should be collected with proper diligence, and whereas, the Indian Trust Fund holds a large amount of Florida's bonds, issued to pay the Indian war expenses, which are bearing interest; therefore, be it

*Resolved by the Senate and Assembly,* That the duly authorized agent of the State of Florida, S. I. Wailes, and the Senators and Representatives in Congress be, and they are hereby requested to act jointly in the matter, and use and exercise all their influence and diligence to obtain a speedy settlement of the obligation of the General Government to the State, and to procure and turn over to the proper officials the said bonds so held by the Indian Trust Fund;

Which was read the first time and passed over for a second reading.

Mr. Mallory, Chairman of the Committee on Judiciary made the following report:

SENATE CHAMBER, Tallahassee, Fla., January 19, 1885.

HON. M. H. MABRY,

*President of the Senate:*

SIR—Your committee on the Judiciary, to whom was re-committed—

Senate Bill No. 47, to be entitled an act to fix and establish a rule of evidence in suits against railroad companies in this State for damages caused by the injuring or killing of cattle and other stock by such railroad companies,

Beg leave to report that they have considered the same and recommend that the substitute herewith reported be adopted in lieu thereof.

Very respectfully,

S. R. MALLORY,  
Chairman Judiciary Committee.

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

Also the following:

SENATE CHAMBER, Tallahassee, Fla., January 19, 1885.

HON. M. H. MABRY,

*President of the Senate:*

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

Assembly Bill No. 1, to be entitled an act to dissolve municipal corporations under circumstances therein stated, and to provide provisional government for the same,

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

Very respectfully,

S. R. MALLORY,  
J. H. MCKINNE,  
WM. BRYSON,  
Committee.

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

The following messages were received from the Assembly:

ASSEMBLY HALL, Tallahassee, January 19, 1885.

HON. M. H. MABRY,

*President of the Senate:*

SIR: I am directed by the Assembly to inform the Senate that the Assembly has refused to concur in the Senate resolution providing for the adjournment of this Legislature on the 4th of Feb., 1885; also,

That the Assembly does concur in the amendment of the Senate to the Assembly resolution providing for the election of a State Printer.

Very respectfully,

W. H. REYNOLDS,  
Chief Clerk of the Assembly.

Also the following :

ASSEMBLY HALL, Tallahassee, Fla., Jan. 19, 1885.

HON. M. H. MABRY,

*President of the Senate :*

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

Assembly Bill No. 49, to be entitled an act to make Rufina Dolores and Francisco, legitimate children and heirs of Francisco Marrero and his wife Henrietta; also,

Assembly Bill No. 50, to be entitled an act to make Maria de las Santos the legitimate child and heir of Nicholas Prieto; also,

Assembly Bill No. 67, to be entitled an act to repeal an act entitled an act fixing the punishment of horse stealing, approved December 13, 1866; also,

Assembly Memorial No. 7, asking a mail route between Tampa, DeSoto, Point Pinallis and Manatee and Peru; also,

Assembly Memorial No. 4, asking Congress for an appropriation to erect a government building in the city of Tallahassee.

And respectfully request the concurrence of the Senate therein.

Very respectfully,

W. H. REYNOLDS,  
Chief Clerk of the Assembly.

Also the following :

ASSEMBLY HALL, Tallahassee, Fla., Jan. 19, 1885.

HON. M. H. MABRY,

*President of the Senate :*

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

Assembly Bill No. 23, to be entitled an act to make Alafia river in Hillsborough county a navigable stream; also,

Assembly Bill No. 28, to be entitled an act declaring the town of Orlando a legally incorporated city under the laws of this State; also,

Assembly Bill No. 29, to be entitled an act to legalize the incorporation of the town of Eustis, Orange county, State of Florida, and to declare the incorporation of the town of Eustis valid and of full force and effect; also,

Assembly Bill No. 42, to be entitled an act to provide for service of non-resident defendants and others in certain chancery causes; also,

Assembly Bill No. 43, to be entitled an act to regulate the

practice of the Circuit Court, providing for a non-suit with bill of exceptions in certain causes; also,

Assembly Bill No. 44, to be entitled an act to provide for a bill of exceptions from Courts of Justices of the Peace and County Courts to the Circuit Courts;

And respectfully request the concurrence of the Senate therein.

Very respectfully,

W. H. REYNOLDS,  
*Chief Clerk of the Assembly.*

Which were read.

The following report was received from the Sergeant-at-arms:

ASSEMBLY HALL, Tallahassee, Fla., Jan, 19, 1885.

HON. M. H. MABRY,

*President of the Senate :*

Sir: In pursuance to instructions from the Senate of January 17th., I respectfully state that I have conferred with the Secretary of State, and find no copies of the published acts of 1883 in his possession as asked for by the Senate for the use of Standing Committees. Upon inquiry, I find I can purchase the same from Mr. Bryan, bookbinder, at one dollar per copy. I await the order of the Senate.

Very respectfully submitted,

M. F. PAPPY,  
Sergeant-at-Arms for the Senate.

Which was read.

Mr. Baker withdrew his motion to reconsider an amendment to the bill which was indefinitely postponed, by leave.

Mr. Bryson's motion to reconsider the vote to print Senate Bill No. 23, was taken up and agreed to.

Mr. Mann moved to print 125 copies of the bill;

Which was not agreed to.

Senate Bill No. 65 :

To be entitled an act to create a Superintendent of the Penitentiary and to prescribe his duties.

Mr. McKinne moved to indefinitely postpone the bill;

Which was withdrawn by leave.

Mr. Stripling asked that the bill lie over;

Which was agreed to.

A message from the Governor.

Senate Bill No. 52:

To be entitled an act to fix the liabilities of railroads for damages to stock and freight, to regulate the practice in such cases, and to provide a penalty for violation of this act.

Mr. Baker offered the following amendment:  
 In section I, line 4, strike out all after "transportation;"  
 Which was lost.  
 Mr. Stripling offered the following amendment:

*Provided*, That nothing herein contained shall be so construed as to hold such companies responsible for damage to freight occasioned by decay or other natural causes where such companies use reasonable and ordinary diligence in the transportation thereof.

The yeas and nays being called for, the vote was:  
 Yeas—Messrs. Baker, Cole, Crill, Delano, Hendricks, Neel, Proctor and Stripling—8.

Nays—Messrs. Bryson, Cooper, Cottrell, Gaskins, Hankins, Jones, Lesley, Mallory, Mountien, McKinne, Orman, Sheppard, Speer and Williams—14.

So the amendment was lost.

Mr. Delano moved the further consideration of the bill be postponed until 10 o'clock to-morrow as the special order of the day:

Which was agreed to.

Senate Bill No. 59:

To be entitled an act to confirm the organization of the Jacksonville and Atlantic Railroad Company and enlarge its powers.

The amendment reported by the Committee was adopted.

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

The Secretary was instructed by the President to read the act of Congress in relation to the election of United States Senator;

Which was read.

#### BILLS ON SECOND READING.

Senate Bill No. 1:

To be entitled an act to facilitate the giving of bonds required by law.

The amendment offered by the committee was adopted.

Mr. Cooper moved that the bill lie over on its second reading, and that 150 copies be printed;

Which was agreed to.

Message from the Governor.

Mr. Crill in the chair.

Senate Bill No. 25:

To be entitled an act to incorporate the Florida Midland Railroad Company;  
 Was read.

The amendments offered by the committee were read.

Mr. Delano offered the following amendment:

And that this grant of land is made expressly subject to the full satisfaction of all lands granted previously to other corporations and not forfeited.

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

Yeas—Messrs. Bryson, Chandler, Cole, Cottrell, Crill, Delano, Gaskins, Hankins, Jones, Landrum, Mallory, Mann, Mountien, McKinne, Neel, Proctor, Sheppard and Williams—19.

Nays—Messrs. Cooper, Lesley, Orman, Speer and Whidden—5.

Which was adopted.

Mr. Delano moved that the amendment of the committee be adopted;

Which was agreed to.

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

Which was agreed to.

Senate Bill No. 47:

Mr. Mallory moved that the substitute be adopted as reported by the Judiciary committee.

Motion adopted.

Mr. Cooper offered the following amendment to substitute of Senate Bill No. 47:

Strike out all after the enacting clause and insert the following:

SECTION 1. Every railroad corporation in this State shall be liable for all damages which shall be done by its agents, engines or cars to any cattle, horses or other animals on the track of its railroad, unless such corporation shall have, at the time such damage is done, its track fenced with a lawful fence, such as is prescribed for the enclosure of plantations by the law of this State, and suitable cattle guards at the crossings of roads so as to prevent cattle from getting from the crossings on to the railroad track. If such railroad track shall be so fenced, and have such sufficient cattle guards, the railroad company shall not be liable for any such damages unless negligently or willfully done; and if such railroad track shall be so fenced, and have such cattle guards at crossings, and any person shall ride, lead or drive any animal upon such railroad track and within such fences and guards, other than at such crossings, the railroad corporation shall not, in such case, be liable for any damage which may ensue to such animal.

The yeas and nays were called for,

Yeas—6.

Nays—13.

Motion lost.

Mr. Stripling moved to reconsider the vote.

Motion adopted.

Mr. Mallory moved that the rules be waived and that the vote be reconsidered now.

The yeas and nays were called for,

Yeas—18.

Nays—5.

Motion adopted.

Question before the house is the reconsideration of the amendment offered by Mr. Cooper.

Mr. Stripling asks that the substitute and amendment be read.

Secretary reads both substitute and amendment.

Question before the house is the adoption of the amendment of Mr. Cooper to substitute of Senate bill No. 47.

The yeas and nays were called for,

Yeas—15.

Nays—10.

Motion prevails.

Mr. Cooper, Senator 31st, moves the following :

Amend the title to Senate Bill No. 47 by striking out present title and inserting "An act to fix the liability of railroad companies for the killing of cattle or other animals."

Motion adopted.

#### REPORTS OF COMMITTEES.

Mr. Delano, Chairman of the Committee on Corporations, made the following report :

SENATE CHAMBER, Tallahassee Fla., Jan. 19, 1885.

HON. M. H. MABRY,

*President of the Senate :*

Sir: Your Committee on Corporations, to whom was referred—

Senate Bill No. 78 :

Beg leave to report that they have carefully considered the same, and recommend that the bill do pass as amended.

Very respectfully,

CHAS. DELANO,  
Chairman of Committee.

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

SENATE CHAMBER, Tallahassee, Fla., Jan. 19, 1885.

HON. M. H. MABRY,

*President of the Senate :*

SIR: Your Committee on Engrossed Bill to whom was referred—

Senate bill No. 60, to be entitled an act to create a body corporate and politic under the name and style of the Trustees of the Preachers' Relief Fund of the Florida Conference of the Methodist Episcopal Church, South; also,

Senate bill No. 57, to be entitled an act to prohibit dealers in general merchandise from selling drugs and medicines in any incorporated town where there is a regular drug store; also,

Senate Bill No. 64, to be entitled an act to regulate the issue and return of executions; also,

The amendment to Senate Bill No. 9, to be entitled an act to amend section 1 of sub-chapter 4 of an act entitled an act to provide for the punishment of crime and proceedings in criminal cases, approved August 6, 1868; also,

Senate bill No. 33, to be entitled an act to supply deficiencies in the appropriation for the year 1884,

Report that they find them correctly engrossed.

Very respectfully,

WM. BRYSON, Chairman.

Mr. Mallory, Chairman of the Committee on Judiciary made the following report :

SENATE CHAMBER, Tallahassee, Fla., January 19, 1885.

HON. M. H. MABRY,

*President of the Senate :*

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

Senate Bill No. 71, to be entitled an act to amend an act to define the boundary line between the counties of Lafayette and Taylor in this State, Chapter 3470, approved January 31st 1883,

Beg leave to report that they have considered the same and recommend that it do pass, with the following amendment, to-wit: Insert in line one, section one, between the words "one" and "be" the following: "of an act to define the boundary line between the counties of Lafayette and Taylor in this State, approved January 31st, 1883."

Very respectfully,

S. R. MALLORY,  
Chairman Committee.

Also the following :

SENATE CHAMBER, Tallahassee, Fla., January 19, 1885.

HON. M. H. MABRY,

*President of the Senate :*

SIR: Your Committee on the Judiciary to whom was re-committed—

Senate Bill No. 55, to be entitled an act to regulate proceedings before Justices of the Peace in criminal cases,

Beg leave to report that they have considered the same and herewith report it back to the Senate without recommendation, as the committee is so divided in their views of the measure as to render any recommendation impracticable.

Very respectfully,

S. R. MALLORY,  
Chairman Committee.

Also the following :

SENATE CHAMBER, Tallahassee, Fla., January 19, 1885.

HON. M. H. MABRY,

*President of the Senate :*

Sir: Your Committee on the Judiciary to whom was referred—

Senate Bill No. 5, to be entitled an act to amend an act entitled an act relating to proceedings before Judges of the Peace, and judgments in Justices' Courts, Chapter 2040, approved February 27, 1875, Laws of Florida; also,

Senate Bill No. 6, to be entitled an act to amend section 1 of an act entitled an act to provide a means for the collection of claims for cattle and other stock destroyed by railroads, Chapter 2060, 1875, Laws of Florida; also,

Senate Bill No. 73, to be entitled an act to amend the statutes of the State as to judgment liens,

Beg leave to report that they have considered the same and recommend that they do not pass.

Very respectfully,

S. R. MALLORY,  
Chairman of Committee.

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

Mr. Baker moved to go into Executive Session;

Which was agreed to.

Doors open.

The President in the chair.

The President announced the following committee to visit the convict camp :

Mr. Hankins, Chairman; Messrs. Williams, Neel, Roberts and Proctor.

Mr. McKinne moved that Mr. Baker be added to committee to visit the convict camp.

Messrs. Mann, McKinne and Speer called for the yeas and nays.

The vote was :

Yeas—Messrs. Cottrell, Gaskins and Hendricks—3.

Nays—Messrs. Baker, Chandler, Cole, Crill, Delano, Jones, Landrum, Lesley, Mallory, Martin, McKinne, Orman, Proctor, Sammis, Sheppard, Speer, Stripling and Williams—18.

So the motion did not prevail.

Mr. Mallory moved to adjourn until 7 o'clock.

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

Upon which the yeas and nays being called for,

The vote was :

Yeas—Messrs. Baker, Chandler, Cole, Cottrell, Hendricks, Landrum, Mann, Martin, McKinne, Orman, Proctor, Sammis, Sheppard, Speer, Stripling and Williams—16.

Nays—Messrs. Crill, Delano, Gaskins, Lesley and Mallory—5.

So the motion prevailed.

The Senate adjourned until 10 o'clock to-morrow.

#### CONFIRMATIONS.

H. L. Mitchell, to be Judge of the Sixth Judicial Circuit.

C. M. Cooper, to be Attorney-General.

C. R. Kelly, to be County Judge of Holmes county.

E. M. West, to be County Judge of Leon county.

W. B. Lamar, to be County Judge of Jefferson county.

B. Hankins, to County Jngde of Lafayette county.

Geo. A. Croom, to be Assessor of Taxes of Leon county.

W. B. McLeod, to be Collector of Revenue of Walton county.

R. L. Kilpatrick, to be Sheriff of Polk county.

A. A. Stewart, to be Clerk of Circuit Court of Brevard county.

W. A. Hocker, to be State Attorney for the 5th Judicial Circuit.

P. Houstoun, J. T. Bernard, B. L. Liddon, T. L. Clark, Angus Patterson and C. E. L. Allson, to be Members of the Board of Education of the West Florida Seminary.

C. S. Wethersby, to be Sheriff of Lafayette county.

Joel P. Atkins, to be Collector of Revenue of Calhoun county.

John M. Bush, to be Assessor of Taxes of Calhoun county.

TUESDAY, January 20, 1885.

The Senate met pursuant to adjournment.

The President in the chair.

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

Messrs. Baker, Bryson, Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lee, Lesley, Mann, Martin, Mountien, McKinne, Neel, Orman, Proctor, Sammis, Sheppard, Speer, Stripling and Williams—24.

A quorum present.

Prayer by the Chaplain.

READING OF JOURNAL.

On motion of Mr. Bryson, the further reading of the Journal was dispensed with.

The President called the attention of the Senate to Rule No. 20, and read the same, and made the following appointments:

The President announced the following appointments in places vacated by Mr. Cooper:

Mr. Mann on Committee on Judiciary.

Mr. Mallory on Committee on State Boundaries.

Mr. Jones on Committee on Enrolled Bills.

Mr. Crill on Committee on Privileges and Elections.

Mr. Williams on Committee on Fisheries.

Mr. Gaskins, Chairman Committee on Railroads and Telegraphs.

INTRODUCTION OF BILLS.

By Mr. Mann:

Senate Bill No. 81:

To be entitled an act to confer police powers upon conductors of passenger trains in this State, to provide punishment for neglect of official duty;

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

Also,

Senate bill No. 82:

To be entitled an act declaring who shall comprise Boards of Public Instruction in each county of this State;

Which was read the first time by its title and referred to the Committee on Education.

Also,

Senate bill No. 83:

To be entitled an act to prevent fraud upon travelers;

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

By Mr. Mann:

Senate Bill No. 84:

To be entitled an act to protect settlers on public lands;

Which was read by its title first time and referred to the Committee on Public Lands.

By Mr. Crill:

Senate Bill No. 85:

To be entitled an act requiring collectors of revenue to pay into the State Treasury the one mill state school tax collected by them;

Which was read by its title first time and referred to the Committee on Education.

By Mr. Crill:

Senate Bill No. 86:

To be entitled an act relating to the indebtedness of the State, approved February 21, 1873;

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

By Mr. Lesley:

Senate Bill No. 87:

To be entitled an act for the relief of Benjamin F. Hewitt of Hillsborough county;

Which was read the first time by its title and referred to the Committee on Claims.

By Mr. Lesley:

Senate Bill No. 88:

To be entitled an act for the relief of Thomas Jackson, alias Thomas Clark, of Hillsborough county;

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

By Mr. Mann:

Senate Bill No. 89:

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;

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

Mr. Mountien offered the following resolution:

WHEREAS, It appears from the official report of the State