

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

Superintendent of Education, and the late message of Governor Bloxham, that we have in our midst a University fully organized, with ample appliances, to which the attention of this body is called; and

Whereas, It is known to some of us that the establishment of this institution was from the outset intended to be the chief educational work of the State; and

Whereas, We learn at this time, the entire enterprise, with all its assets, are offered to the State on most liberal terms; therefore, be it

Resolved, That a committee of three persons, one from the Senate and two from the Assembly be appointed to visit said University in this city, and inspect its appliances and appointments; and also, ascertain from the Chancellor or Regents of the University, what is their proposition, and that said committee report by bill or otherwise at an early day;

Which was read and ordered to lie over under the rules.

Mr. Martin offered the following resolution and moved its adoption:

Resolved, That the Superintendent of Public Instruction is hereby requested to transmit to the Senate any information he may have as to whether in the distribution of the Seminary Funds of the State, any provision is made for the children of colored parents to receive any benefits from either of the State Seminaries;

Which resolution was adopted.

Mr. Jones called up the resolution employing a stenographer.

REPORTS OF COMMITTEES.

The Committee on Judiciary made the following report:

SENATE CHAMBER, Tallahassee, Fla., January 20, 1885.

HON. M. H. MABRY,

President of the Senate:

Sir: Your Committee on Judiciary—

To whom was referred a substitute for Senate Bill No. 29, entitled an act concerning the introduction of deeds and other instruments of writing, to be entitled an act to admit certified copies of certain written instruments in evidence, beg leave to report that they have considered the same and recommend that it pass with the following amendment, to-wit:

After the word "justice" in the last line of section 1 insert the following:

Provided, further, Whenever in any such case the opposing party or parties shall, under oath, in writing, declare that he

has good reason to believe, and does believe, that the original deed, document, conveyance, pleading or instrument of writing sought to be proved by copy is a forgery, or has been fraudulently altered or changed, setting forth substantial reasons for such belief, the Court or Judge before whom such copies may be offered in evidence shall require the party offering the same to produce, or account for and prove the original of such copy; *provided*, The instrument be less than thirty years old.

Very respectfully,

S. R. MALLORY,

Chairman Committee on Judiciary.

Also the following:

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

HON. M. H. MABRY,

President of the Senate:

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

Senate Bill No. 35, to be entitled an act to grant certain privileges to the Manatee Dry Dock Company,

Beg leave to report that they have considered the same and recommend that it do pass with the following amendments, to-wit:

After the word "portion" in the third line of section 1, insert the following, "not exceeding ten acres in area."

After the word "years" in line two of section 5, insert the following, "and complete it within five years."

Very respectfully,

S. R. MALLORY,

Chairman Committee

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

A memorial from the citizens of Pensacola,

Was read and referred to the Judiciary Committee.

The following message was received from the Assembly:

ASSEMBLY HALL, Tallahassee, Fla., January 20, 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. 87, to be entitled an act to complete the exhibit of the State of Florida at the World's Centennial Exposition now being held at New Orleans,

And respectfully request the concurrence of the Senate therein.

Very respectfully,

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

The Committee on Privileges and Elections made the following report:

SENATE CHAMBER, Tallahassee, Fla., January 20, 1885.

HON. M. H. MABRY,

President of the Senate:

Sir: Your Committee on Privileges and Elections to whom was referred—

The contest case of Charles B. Pendleton, contestant v. George W. Allen, contestee, of the twenty-fourth senatorial district;

Beg leave to refer the same back to the Senate without recommendation, and respectfully request that Mr. Pendleton, be heard in his own behalf.

Very respectfully,

JNO. T. LESLEY,
Chairman of Committee.

Mr. Orman moved the rules be waived and the report from the Committee on Privileges and Elections be taken up.

Mr. Baker moved that it be postponed until 7 o'clock to-night;

Which was agreed to.

BILLS ON SECOND READING.

Senate Bill No. 71:

To be entitled an act to define the boundary lines between the Counties of Lafayette and Taylor.

The amendments of the committee were adopted.

The bill, as amended, was ordered to be engrossed for third reading.

Assembly Bill No. 1:

To be entitled an act to dissolve municipal corporations under circumstances therein stated.

Mr. Stripling moved that the bill be recommitted to the Judiciary Committee.

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

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bryson, Cottrell, Crill, Gaskins, Hankins, Landrum, Lee, Lesley, Mallory, Mann, McKinne, Neel, Orman, Sheppard, Speer, Whidden and Williams—17.

Nays—Messrs. Baker, Chandler, Cole, Martin, Mountien, Proctor, Sammis and Stripling—8.

So the motion prevailed.

SPECIAL ORDERS OF THE DAY.

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. Mallory offered the following amendment:

Strike out all after the words "damage to" in line 2, section 1, down to and including the word "to" in line 3,

And moved its adoption.

Agreed to.

Message from the Governor.

Mr. Baker moved to indefinitely postpone the bill.

The motion was withdrawn by leave.

Mr. Baker moved to strike out section 1.

Mr. Bryson offered the following amendment:

Strike out all of section one after the word "transportation" in line 4.

The hour of 12 o'clock M. having arrived, Mr. McKinne moved that the Senate now proceed to the election of a United States Senator.

Mr. McKinne nominated Mr. Wilkinson Call.

Mr. Chandler nominated Mr. Jonathan C. Greeley.

The Secretary called the roll, with the following result:

For Mr. Call—Messrs. Bryson, Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lee, Lesley, Mallory, Mann, Mountien, McKinne, Neel, Orman, Sheppard, Speer, Whidden and Williams—21.

For Mr. Greeley—Messrs. Baker, Chandler, Cole, Martin, Proctor and Sammis—6.

For Mr. McKinnon—Mr. Stripling—1.

The President announced that Wilkinson Call was duly elected by the Senate to succeed himself as Senator in the United States Senate from Florida.

Mr. McKinne in the chair.

Upon motion to adopt Mr. Bryson's amendment, the yeas and nays were called for.

The vote was:

Yeas—Messrs. Baker, Bryson, Chandler, Mann and Whidden—5.

Nays—Messrs. Cottrell, Crill, Gaskins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Neel, Orman, Proctor, Sammis, Sheppard, Speer, Stripling and Williams—19.

So the motion was lost.

Mr. Mann moved to indefinitely postpone the bill.

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

Yeas—Messrs. Baker, Bryson, Hendricks, Mann, Neel, Orman and Whidden—7.

Nays—Messrs. Cottrell, Crill, Gaskins, Hankins, Jones, Lesley, Mallory, Mountien, McKinne, Proctor, Sammis, Sheppard, Speer and Stripling—14.

So the motion was lost.

Mr. Mallory offered the following amendment and moved its adoption:

In line 6, section 1, strike out the word "such." After the word "damage" in line 6, section 1, insert as follows: "Caused by the default, negligence, or want of reasonable care or diligence on the part of such corporation," or to make any discrimination in freight charges against any consignor or shipper by reason of his refusal to make such agreement or release; and any manager, superintendent, agent or other officer or employe of any railroad company in this State who violates the provisions of this section shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$500;

Which was agreed to.

Mr. Stripling offered the following amendment:

In Section 2, lines 1 and 2, strike out "enumerated in the foregoing section;"

Which was agreed to.

Also the following:

In Section 3, line 2, strike out "hereinbefore enumerated;"

Which was agreed to.

The bill as amended was ordered to be engrossed.

Mr. Crill in the Chair.

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.

Mr. Baker moved to postpone the further consideration of the bill until Thursday next at 11 o'clock A. M.

Mr. McKinne moved to lay the motion on the table.

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

Yeas—Messrs. Cottrell, Crill, Gaskins, Hankins, Hendricks, Jones, Mallory, McKinne, Neel, Orman, Sheppard, Speer and Whidden—13.

Nays—Messrs. Baker, Delano, Lesley, Mountien, Proctor, Sammis and Stripling—7.

So the motion prevailed.

On motion of Mr. Mallory, the bill was then read the second time.

Mr. Chandler offered the following amendment:

After the word "commissioners," in line 2, insert "representing in as nearly equal numbers as possible the two political parties;"

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Chandler, Cole, Mann, Martin, Mountien, Proctor, Sammis and Stripling—8.

Nays—Messrs. Baker, Bryson, Cottrell, Crill, Delano, Hankins, Jones, Landrum, Lee, Mallory, McKinne, Neel, Orman, Sheppard, Speer, Whidden and Williams—17.

So the amendment was lost.

Mr. Baker moved to reconsider the vote just taken.

Mr. Mallory moved that the rules be waived and the motion be laid on the table.

The motion was withdrawn by leave.

Mr. Whidden offered the following:

Resolved, That the position of stenographer or journal clerk of the Senate shall continue for the session;

Which was adopted.

The Senate went into executive session.

The doors opened.

Mr. Mann asked the privilege to explain his vote, which was as follows:

The gentleman put in nomination it is well known to all here is not my personal choice, yet he is seemingly the choice of my party, and the party having spoken it is my duty to obey; I therefore cast my vote for Wilkinson Call.

On motion of Mr. Bryson, the Senate adjourned until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

The Senate met pursuant to adjournment.

The President in the chair.

The roll being called the following Senators answered to their names:

Messrs. Cottrell, Hankins, Hendricks, McKinne, Proctor, Roberts and Whidden—7.

A quorum not present.

Mr. McKinne moved the Senate take a recess for ten minutes;

Which was agreed to.

The Senate resumed its session.

The President in the Chair.

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

Messrs. Chandler, Cole, Cottrell, Hankins, Hendricks, Jones, Lesley, Martin, McKinne, Neel, Orman, Proctor, Roberts, Sammis, Sheppard, Stripling and Whidden—17.

A quorum present.

Mr. Chandler moved that the Senate adjourn until 10 o'clock to-morrow.

Which was not agreed to.

The Secretary was instructed to get the report of the Committee on Privileges and Elections.

Mr. Mallory moved that the report of the Committee on Privileges and Elections be taken up.

The motion prevailed.

Mr. Stripling moved that report of the committee be received and adopted;

Which was agreed to.

Mr. Pendleton appeared upon the floor of the Senate and addressed the body in his own behalf as contestant in the case of C. B. Pendleton against George W. Allen.

Mr. Stripling offered the following resolution and moved its adoption :

Resolved, That the Secretary of State be requested to furnish the Senate forthwith a schedule of the vote polled in the 24th Senatorial District for the different offices at the general election of 1882 ;

Which was adopted.

Mr. Mallory presented the following :

Mr. President :

SIR—We are directed by the Assembly to inform the Senate that the Assembly has passed the following resolution :

Resolved, That the Senate be invited to meet with the Assembly in joint session to-morrow at 12 o'clock M., to declare the result of the ballot taken this day for United States Senator.

Very respectfully,

J. E. YONGE,
J. W. BRYANT,
E. J. ALEXANDER.

On motion of Mr. Baker, the invitation was accepted.

Mr. Orman offered the following resolution :

Resolved, That Charles B. Pendleton be now sworn in as Senator elect from the Twenty-fourth Senatorial District.

Mr. Chandler moved that the resolution lie on the table subject to call ;

Which was agreed to.

Mr. Gaskins moved that the Sergeant-at-Arms proceed to the office of Secretary of State and procure the testimony in the case of C. B. Pendleton vs. Geo. W. Allen, in the contested election case ;

Which was agreed to.

Mr. Lee was excused from to-night's session on account of sickness.

BILLS ON SECOND READING.

Senate bill No. 23 :

To be entitled an act to provide for a proper exhibit of the resources and franchises of the State of Florida at the World's Fair at New Orleans.

Mr. Stripling moved that the bill lie on the table subject to call ;

Which was agreed to.

Mr. Mann moved that the explanation of his vote for U. S. Senator appear on the Journal of to-day ;

Which was agreed to.

Senate bill No. 1 :

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

Amendments offered by committee were adopted.

The bill as amended was ordered to be engrossed.

The Sergeant-at-Arms presented the following communication :

OFFICE OF SECRETARY OF STATE,
TALLAHASSEE, FLA., January 20, 1885. }

HON. M. H. MABRY,

President of the Senate :

SIR—Agreeably to resolution of the Senate requesting the vote of the 24th Senatorial District in November, 1882, I herewith respectfully transmit the following, viz :

Geo. W. Allen received 947 votes ; John Jay Filbrick received 289 votes ; Charles B. Pendleton received 761 votes.

Very respectfully,

JNO. L. CRAWFORD.

Which was read by the Secretary.

Senate bill No. 55 :

To be entitled an act to regulate proceedings before Justices of the Peace in criminal cases.

Mr. Mallory offered the following amendment :

Strike out all of section 1 ;

Which was withdrawn by leave.

On motion, the bill was ordered to lie on the table subject to call.

The following communication was ordered to be read by the Secretary:

OFFICE OF SECRETARY OF STATE, }
TALLAHASSEE, FLA., January 20, 1885. }

HON. M. H. MABRY,

President of the Senate:

SIR—The whole vote cast for Representative in Congress in the Twenty-fourth Senatorial District (Monroe county) in November, 1882, was as follows, viz:

R. H. M. Davidson received 968 votes, Emory F. Skinner received 548 votes, D. L. McKinnon received 474 votes; total, 1,990.

The whole number of votes cast at said election in said Senatorial District was as follows, viz:

George W. Allen received 947 votes, John Jay Philbrick received 289 votes, Charles B. Pendleton received 761 votes; total, 1,997. Very respectfully,

JOHN L. CRAWFORD.

Mr. Orman moved to take up his resolution;
Which was agreed to.

By leave Mr. Orman withdrew the resolution and offered the following resolution:

Resolved, That Chas. B. Pendleton is entitled to a seat upon the floor of this Senate as a member thereof under the election of 1882;

Upon the yeas and nays being called for,

The vote was:

Yeas—Messrs. Baker, Cole, Cottrell, Lesley, Mann, Neel, Orman, Roberts, Sheppard, Stripling and Whidden—11.

Nays—Messrs. Chandler, Crill, Delano, Hankins, Hendricks, Mallory, Mountien, McKinne, Proctor and Speer—10.

Mr. Bryson was excused from voting on the resolution.

Mr. Jones was excused from voting on the resolution.

Mr. Williams was excused from voting on the resolution.

Mr. Gaskins was excused from voting on the resolution.

Mr. Sammis was excused from voting.

Mr. Martin was excused from voting.

Mr. Baker moved that Mr. C. B. Pendleton be now sworn in;
Which was agreed to.

Mr. Pendleton was sworn in as Senator from the Twenty-fourth Senatorial District by Mr. James B. Whitfield, a Notary Public in and for the State of Florida.

On motion of Mr. Neel the Senate adjourned until 10 o'clock to-morrow.

CONFIRMATIONS.

E. K. Foster, to be Judge of the Seventh Judicial Circuit.
D. Beggs, to be State Attorney for the Seventh Judicial Circuit.

J. A. Elleman, to be Sheriff of Nassau county.

W. M. Ives, to be County Judge of Columbia county.

John Vinzant, to be Clerk Circuit Court of Columbia county.

Wm. Clark, to be County Judge of Calhoun county.

J. F. Shands, to be Assessor of Taxes of Hernando county.

A. J. DaCosta, to be Assessor of Taxes of Alachua county.

Wm. J. Wilson, to be Collector of Revenue of Clay county.

C. A. Bryan, to be Clerk Circuit Court of Leon county.

John A. Edwards, to be Clerk Circuit Court of Nassau county.

H. H. Walker, to be Assessor of Taxes of Wakulla county.

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WEDNESDAY, January 21, 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, Burnam, Chandler, Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lee, Lesley, Mann, Mountien, McKinne, Orman, Pendleton, Proctor, Sammis, Sheppard, Speer, Stripling and Williams—25.

A quorum present.

Prayer by the Chaplain.

READING OF THE JOURNAL.

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

Mr. Neel was excused on account of sickness.

Mr. Williams was excused from serving on committee to visit the convict camp.

Mr. Bryson was appointed on the committee in place of Mr. Williams.

INTRODUCTION OF BILLS.

By Mr. Baker:

Senate Bill No. 90:

To be entitled an act to amend Section 10, Chapter 176, of the Laws of Florida;