

MONDAY, February 9, 1885.

The Senate met pursuant to adjournment.

The President in the chair.

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

Messrs. Baker, Bryson, Chandler, Cole, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sheppard, Speer, Stripling, Whidden and Williams—26.

A quorum present.

Prayer by the chapel.

READING OF JOURNAL.

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

CONSIDERATION OF RESOLUTIONS.

Mr. Bryson's resolution that—

WHEREAS, There has accumulated in the past two years a large amount of legislative business, and many bills and resolutions of an important and public nature cannot possibly be considered, thereby inflicting a wrong upon the people at large ; therefore,

Be it resolved by the Senate, the Assembly concurring, That the importance of the public business yet before us will not warrant so speedy an adjournment, and that while we have a view to economy, we realize that in the event of a failure to ratify the Constitution, the legislative interests of the State should be protected and as the representatives of the people we should not ignore them to simply place ourselves on record as rigid economists, and that the concurrent resolution heretofore passed to adjourn on the 12th inst. be and the same is hereby rescinded,

Was read.

Mr. McKinne moved that the resolution of Mr. Bryson be indefinitely postponed.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Stripling, Whidden and Williams—19.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Mann and Martin—6.

So the motion prevailed.

Mr. Williams offered the following resolution, and moved its adoption :

Resolved, That no member shall speak more than once, nor longer than five minutes on any question without unanimous consent.

The yeas and nays being called for,

The vote was :

Yeas—Messrs. Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Sheppard, Speer, Stripling, Whidden and Williams—19.

Nays—Messrs. Baker, Chandler and Martin—3.

So the resolution was adopted.

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

SENATE CHAMBER, Tallahassee, Fla., February 7, 1885.

HON. M. H. MABRY,

President of the Senate :

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

Senate Bill No. 151, to be entitled an act to amend an act to incorporate the Atlantic and Mexican Gulf Canal Company, and to grant certain privileges therein named, approved March 1st, 1883,

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

Very respectfully,

S. R. MALLORY,
Chairman of Committee.

Which was read.

Also the following :

SENATE CHAMBER, Tallahassee, Fla., Feb. 7, 1885.

HON. MILTON H. MABRY,

President of the Senate :

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

Senate Bill No. 104, to be entitled "an act for the relief of the counties of Orange and Volusia,"

Beg leave to report that they have considered the same and report it herewith without recommendation. Your committee have examined the statement of expenses in the Newton and Neff cases, for which compensation is sought by the bill, and

are of opinion that it is in the power of the State to pay some of those expenses without violating the provisions of Section 18, of Article 16 of our Constitution; but your committee, in the absence of full detailed statements of each particular item, are at a loss to determine what proportion of the large sum claimed under the bill can constitutionally be assumed by the State, and are equally uninformed as to the advisability of the State's assuming any part thereof even if it has the right to do so.

Very respectfully,
S. R. MALLORY,
Chairman Committee.

Which was read.

Mr. Roberts, Chairman of the Committee on Legislative Expenses, made the following report:

SENATE CHAMBER, Tallahassee, Fla., February 9, 1885.

HON. M. H. MABRY,

President of the Senate:

Sir: Your Committee on Legislative Expenses to whom was referred—

Assembly Bill No. 215, to be entitled an act to fix the pay of the members, officers and attaches of the Legislature of 1885,

Beg leave to report that they have examined the same and respectfully recommend its passage.

Very respectfully,
H. L. R. ROBERTS,
Chairman of Committee.

Which was read.

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

SENATE CHAMBER, Tallahassee, Fla., February 7, 1885.

HON. M. H. MABRY,

President of the Senate:

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

Senate Bill No. 130, to be entitled an act to provide for the management of the State asylum for the indigent lunatics; also,

Senate Bill No. 134, to be entitled an act authorizing the employment of stenographers in the several Circuit Courts of the State; also,

Senate Bill No. 15, to be entitled an act to provide for calling a convention of the people of Florida; also,

Amendments to Assembly Bill No. 96, to amend sections 4, 5 and 6 of an act entitled an act to confirm the organization of the Jacksonville, St. Augustine and Halifax River Railway Company, and to grant certain ferry privileges and land to said company, approved February 28, 1881,

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

Very respectfully,
WM. BRYSON,
Chairman of Committee.

Which was read.

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

SENATE CHAMBER, Tallahassee, February 9, 1885.

HON. M. H. MABRY,

President of the Senate:

Sir: Your committee on Railroads and Telegraphs to whom was referred—

Assembly Bill No. 154, to be entitled an act to incorporate the Wildwood, Lady Lake, Withlacoochee and Gulf Railway Company,

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

Strike out "ten" in line 17, of Section 12, and insert "twenty;" also,

Strike out all after the word "road" in line 18 of said Section down to "but" in line twenty-two.

Very respectfully,
J. L. GASKINS,
Chairman of Committee.

Which was read.

Also the following:

SENATE CHAMBER, Tallahassee, Fla., February 9, 1885.

HON. M. H. MABRY,

President of the Senate:

Sir: Your Committee on Railroads and Telegraphs to whom was referred—

Assembly Bill No. 60, to be entitled an act to incorporate the Chattahoochee and Alabama Railroad and to aid the construction thereof,

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

Strike out "6 miles" in section 11, line 8, and insert "20 miles;" also,

Strike out all of section 14.

Very respectfully,

J. L. GASKINS,
Chairman Committee.

Which was read.

On motion of Mr. McKinne,
Assembly Bill No. 96:

To be entitled an act to amend Sections 4, 5 and 6 of an act entitled an act to confirm the organization of the Jacksonville and St. Augustine and Halifax River Railroad Company and to grant certain ferry privileges and land to said company, approved February 28, 1881,

Was taken up, and the bill with the amendments of the Senate were read the third time and put upon its passage.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Baker, Bryson, Chandler, Cole, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Mallory, Mann, Martin, Mountien McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer, Stripling, Whidden and Williams—25.

Nays—None.

So the bill as amended was passed and ordered to be certified to the Assembly.

Mr. Baker moved to reconsider the vote just taken.

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

Which was agreed to.

On motion of Mr. Stripling, the rules were waived, and the special order was further deferred to take up—

Senate bill No. 115:

To be entitled an act to amend Sections 2 and 4 of an act entitled an act granting aid for the construction of the Thomasville, Tallahassee & Gulf Railroad.

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

The vote was:

Yeas—Messrs. Bryson, Chandler, Cole, Cottrell, Gaskins, Hankins, Hendricks, Landrum, Lesley, Mallory, Mann, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Sammis, Sheppard, Speer, Stripling, Whidden and Williams—24.

Nays—None.

So the bill passed, title as stated.

On motion of Mr. Orman, the rules were waived, and the bill ordered to be certified at once.

On motion of Mr. Mann, the rules were waived and Senate Bill No. 99:

To be entitled an act granting certain lands to the Silver Springs, Ocala and Gulf Railroad Company, was taken up, and the bill read the third time and put upon its passage.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Baker, Chandler, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Mallory, Mann, Martin, Mountien, McKinne, Orman, Proctor, Roberts, Speer and Whidden—18.

Nays—None.

So the bill passed, title as stated.

On motion of Mr. Mann, the rules were waived and the bill ordered to be certified at once.

Mr. McKinne moved that the rules be waived to take up

Substitute for Senate Bill No. 15:

To be entitled an act providing for calling a Constitutional Convention;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Cottrell, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—17.

Nays—Messrs. Baker, Bryson, Chandler, Mann, Martin, Proctor, Sammis and Stripling—8.

So the motion was agreed to.

Mr. Stripling moved that the bill be made the special order for 11 o'clock to-morrow.

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

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Gaskins, Hankins, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—16.

Nays—Messrs. Baker, Chandler, Cottrell, Proctor and Sammis—5.

So the motion prevailed.

Mr. Chandler moved that the further consideration of the bill be postponed until 9 o'clock to-night.

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

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

Yeas—Messrs. Cottrell, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne,

Orman, Pendleton, Roberts, Sammis, Sheppard, Speer, Whidden and Williams—19.

Nays—Messrs. Baker, Chandler, Martin and Proctor—4.
Which prevailed.

Mr. Baker moved to postpone consideration of the bill until 4 o'clock P. M.

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

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

Yeas—Messrs. Cottrell, Gaskins, Hankins, Jones, Landrum, Mallory, Mountain, McKinne, Orman, Pendleton, Roberts, Sammis, Sheppard, Speer, Stripling, Whidden and Williams—17.

Nays—Messrs. Baker, Chandler and Proctor—3.

Which prevailed.

Mr. Mallory moved to waive the rules, and that Mr. Mann, Chairman of the Special Committee on Constitutional Revision be allowed to make a report on Assembly Bill No. 209.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Chandler, Cottrell, Gaskins, Jones, Landrum, Lesley, Mallory, Mann, Martin, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer, Stripling, Whidden and Williams—20.

Nays—Mr. Baker—1.

So the motion prevailed.

The following report was then made by Mr Mann, Chairman of the Constitutional Revision:

SENATE CHAMBER, Tallahassee, Fla., February 9, 1885

HON. M. H. MABRY,

President of the Senate:

Sir: Your Committee on the Constitutional Revision, to whom was referred—

Assembly Bill No. 209, to be entitled an act calling a Constitutional Convention and providing for electing delegates to same,

Beg leave to report that they are of the opinion Senate Bill Substitute No. 15, more fully covers the subject.

Very respectfully,

A. S. MANN,
Chairman of Committee.

Which was read.

Mr. Baker moved that the consideration of Senate Bill No. 15, be postponed until after the consideration of Assembly Bill No. 209;

Which was not agreed to.

Mr. Mallory moved that Assembly Bill No. 209, to be entitled an act calling a Constitutional Convention and providing for electing delegates to the same, be read.

Mr. Chandler moved that the Senate do now proceed to the consideration of Assembly Bill No. 209.

Mr. Mallory moved that Assembly Bill No. 209 lie upon the table informally;

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Baker, Chandler, Cole, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer, Stripling, Whidden and Williams—25.

Nays—None.

Which was agreed to.

Mr. Chandler moved that the further consideration of substitute for Senate Bill No. 15 be postponed until 3.30 o'clock this afternoon.

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

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Cottrell, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer, Whidden and Williams—18.

Nays—Messrs. Baker, Chandler, Cole, Proctor and Stripling—5.

Which prevailed.

Mr. Baker moved that the rule be waived and the bill be put back on second reading.

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

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Bryson, Cole, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Lesley, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer, Stripling, Whidden and Williams—23.

Nays—Messrs. Baker and Chandler—2.

So the motion prevailed.

Mr. Baker moved to indefinitely postpone the bill.

The yeas and nays being called for,

The vote was:

Yeas—Mr. Baker—1.

Nays—Messrs. Bryson, Chandler, Cole, Cottrell, Gaskins,

Hankins, Hendricks, Jones, Lesley, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sheppard, Speer, Stripling, Whidden and Williams—23.

So the motion did not prevail.

Mr. Chandler moved that the bill be recommitted.

Mr. Cottrell moved that the motion be laid upon the table.

The yeas and nays being called for the vote was :

Yeas—Messrs. Cottrell, Gaskins, Hankins, Jones, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer and Williams—14.

Nays—Messrs. Baker, Chandler, Martin and Proctor—4.

So the motion prevailed.

Mr. Mallory called for the previous question ;

Upon the question, Shall the main question be now put ? the yeas and nays were called for.

The vote was :

Yeas—Messrs. Bryson, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—19.

Nays—Messrs. Chandler, Cole, Martin and Proctor—4.

So the motion prevailed.

Substitute for Senate Bill No. 15 :

To be entitled an act to provide for calling a Convention of the People of Florida,

Was read the third time and put upon its passage.

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

Yeas—Messrs. Bryson, Cole, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—21.

Nays—Messrs. Baker, Chandler and Proctor—3.

So the bill passed, title as stated.

Mr. Baker offered the following amendment :

A bill to pack a Constitutional Convention in the interest of the Democratic party.

Mr. Lesley moved to lay the amendment on the table.

The yeas and nays being called for,

The vote was :

Yeas—Messrs. Bryson, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sheppard, Speer, Stripling, Whidden and Williams—21.

Nays—Mr. Baker—1.

So the motion prevailed.

Mr. McKinne moved that the rules be waived and the bill be certified to the Assembly at once.

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

An act to call a Constitutional Convention by such an apportionment as will not give the people of the several counties a fair representation therein according to their population.

Mr. Cottrell moved to lay the amendment on the table.

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

Yeas—Messrs. Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sheppard, Speer, Whidden and Williams—20.

Nays—Messrs. Baker, Chandler and Cole—3.

Mr. McKinne moved that the rules be waived and the bill be certified to the Assembly at once.

The yeas and nays being called, the vote was :

Yeas—Messrs. Cole, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Stripling, Whidden and Williams—21.

Nays—Messrs. Baker, Chandler and Proctor—3.

The motion prevailed and it was so ordered.

Mr. Mallory moved that the Senate take up Assembly Bill No. 209 :

To be entitled an act providing for calling a Constitutional Convention ;

Which was agreed to.

Mr. Mallory offered the following amendment to Assembly Bill No. 209, and moved its adoption :

Section 4. That should any vacancy occur in said Convention, it shall be the duty of the Governor to order an election to fill such vacancy, to be held in the manner that the party by whom the vacancy was created was chosen, and the notice in case of a vacancy in the membership of said Convention from a Senatorial District or county shall be ten days.

Mr. Cottrell called for for the previous question on the amendment.

Upon the question, Shall the main question be now put ? the yeas and nays were called for.

The vote was :

Yeas—Messrs. Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Roberts, Sammis, Sheppard, Speer, Whidden and Williams—20.

Nays—Messrs. Baker, Chandler, Cole and Proctor—4.

So the main question was ordered.

Upon motion for the adoption of the amendment the motion prevailed and the amendment was adopted.

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

SEC. 5. That it is the sense of this Legislature that the Constitution as revised shall be submitted to the qualified electors of the State for ratification by ballot.

Mr. Chandler moved to lay the amendment on the table ;
Which was not agreed to.

Mr. Cottrell called the previous question.

Upon the question, Shall the main question be now put ?

The motion prevailed and the amendment was adopted.

Mr. Chandler moved to strike out the enacting clause in the bill ;

Which was not agreed to.

Mr. Chandler moved to indefinitely postpone the bill.

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

The motion prevailed.

The bill as amended was ordered to be engrossed.

SPECIAL ORDERS OF THE DAY.

Senate Bill No. 61 :

To be entitled an act in relation to railroads in this State and provide a remedy for railroads which have been deteriorated and to appoint a receiver.

Upon the adoption of Mr. Baker's amendment, in line two of the amendment, "strike out two hundred,"

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bryson, Delano, Hankins, Lesley, Mann, Martin, Roberts and Whidden—9.

Nays—Messrs. Chandler, Cottrell, Gaskins, Hendricks, Jones, Landrum, Mallory, McKinne, Orman, Pendleton, Sammis, Sheppard, Speer, Stripling and Williams—15.

Which was not agreed to.

Mr. Baker offered the following amendment, and moved its adoption :

Add to section 7, as amended, "that the Receiver shall appoint an attorney at a salary not to exceed \$20 per month."

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bryson, Chandler, Delano, Hankins, Landrum, Lesley, Mann, Proctor, Roberts and Whidden—11.

Nays—Messrs. Cottrell, Gaskins, Hendricks, Jones, Mallory, Martin, McKinne, Orman, Pendleton, Sammis, Sheppard, Speer, Stripling and Williams—14.

So the motion did not prevail

The following amendment was offered by Mr. Mann :
Strike out Section 5.

The yeas and nays being called for,

The vote was :

Yeas—Messrs. Baker, Bryson, Delano, Hankins, Lesley, Mann, Roberts and Whidden—8.

Nays—Messrs. Chandler, Cottrell, Gaskins, Hendricks, Jones, Landrum, Mallory, Martin, McKinne, Orman, Pendleton, Proctor, Speer, Stripling and Williams—15.

So the motion did not prevail.

Mr. Mann offered the following amendment :

In Section 7 strike out in line 2 "\$250" and insert "\$100,"
And moved its adoption.

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

Yeas—Messrs. Baker, Bryson, Delano, Landrum, Lesley, Mann and Whidden—7.

Nays—Messrs. Chandler, Cottrell, Gaskins, Jones, Mallory, Martin, McKinne, Orman, Pendleton, Proctor, Sammis, Sheppard, Speer, Stripling and Williams—15.

Which was not agreed to.

Mr. Baker offered the following amendment, and moved its adoption :

Section 8. It shall be the duty of the Governor to appoint a practical railroad engineer for State Engineer, to comply with the provisions of this act.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bryson, Cottrell, Delano, Hankins, Lesley, Mann, Roberts, Sammis and Whidden—10.

Nays—Messrs. Chandler, Gaskins, Jones, Landrum, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Sheppard, Speer, Stripling and Williams—15.

So the motion did not prevail.

Mr. Bryson moved the further consideration of the bill be postponed until 1 o'clock to-morrow.

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

The yeas and nays were called for,

The vote was :

Yeas—Messrs. Cottrell, Gaskins, Hendricks, Jones, Landrum, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Sheppard, Speer and Williams—14.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Delano, Hankins, Lesley, Mann, Proctor, Roberts, Sammis, Stripling and Whidden—13.

So the motion prevailed.

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

After the word "so" in the last line of section 2, insert the following, viz :

Provided, That before any testimony is taken in any case as hereinbefore provided, said judge shall first give or cause to be given to the superintendent or general manager of such railroad at least ten day's notice in writing, of the intention of such judge to take testimony as aforesaid.

Mr. Mann offered an amendment to the amendment :

Strike out "ten" and insert "sixty days."

Mr. Mallory accepted the amendment, and the amendment as amended was adopted.

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

In section 5, line 2, strike out "State Engineer," and insert Receiver ;

Mr. Chandler moved to go into executive session ;

Which was agreed to.

Doors opened.

The Committee on Engrossed Bills made the following report :

SENATE CHAMBER, Tallahassee, Fla., Feb. 9, 1885.

HON. M. H. MABRY,

President of the Senate :

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

Senate Bill No. 135, to be entitled an act to provide for the assessment and collection of taxes on railroads and the properties thereof for the years 1879, 1880 and 1881, as to which there was no assessment; also,

Senate Bill No. 145, to be entitled an act to give laborers engaged in loading and unloading vessels, ships and other water crafts in this State a first lien on such vessel, ship or other water craft for wages earned by them in loading or unloading the same; also,

Senate Bill No. 154, to be entitled an act to provide for the issue of bonds in exchange for the bonds of the State of Florida belonging to the Common School Fund and Seminary Fund and Agricultural College Fund of this State; also,

Senate Bill No. 84, to be entitled an act to protect settlers on public lands; also,

Senate Bill No. 146, to be entitled an act to amend an act entitled an act to dissolve municipal corporations under circumstances therein stated and to provide provisional gov-

ernments for the same, approved January 28, 1885, and to repeal the eighth section of that act; also,

Senate Bill No. 141, to be entitled an act to define the incorporate boundaries of the town of Green Cove Spring; also,

Senate Bill No. 128, to be entitled an act to indemnify the St. Johns and Halifax River R. R.; also,

Assembly Bill No. 173, to be entitled an act to continue and extend the charter of the Green Cove Spring and Melrose Railroad Company and to preserve and extend its land grant,

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

Very respectfully,

WM. BRYSON,
Chairman Committee.

Which was read.

On motion of Mr. Chandler the Senate adjourned.

AFTERNOON SESSION—4 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. Baker, Chandler, Cole, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Martin, McKinne, Orman, Pendleton, Proctor, Roberts, Sheppard, Speer, Whidden and Williams—22.

A quorum present.

Mr. Hendricks, Chairman of the Committee on Enrolled Bills, made the following report:

SENATE CHAMBER, TALLAHASSEE, FLA., Feb. 9, 1885.

HON. MILTON H. MABRY,

President of the Senate :

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

Senate Bill No. 72, to be entitled an act to incorporate the Apalachicola and Alabama Railroad Company, and to grant certain lands to the same; also,

Senate Bill No. 25, to be entitled an act to incorporate the Florida Midland Railway Company,

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

Very respectfully,
S. M. HENDRICKS,
Chairman of Committee.

Which was read.

The following veto message by the Governor of Florida was received and read:

An act providing for the appointment of administrators.

The people of the State of Florida, represented in Senate and Assembly, do enact as follows:

SECTION 1. Letters of administration shall be granted to the representatives of the intestate who apply for the same, preferring first the husband or wife, and next, such others as are entitled to distribution of the estate of the intestate in the order of consanguinity, and if no such person apply for administration, after citation issued by the county judge and published for a period of thirty days, once a week in a newspaper printed in said county, if any be printed there, if not, then in a newspaper printed in some other county in the same judicial circuit, and in the latter case, written or printed notices shall also be posted at three public places in the county where such application is made, then the county court or judge may grant administration to the person or persons named in said citation or to such other person or persons as the county judge may deem proper for the best interests of said estate; but if any will shall, after granting letters of administration, be produced and duly proved, the aforesaid letters of administration shall be revoked, and letters testamentary granted to the executors of said will; provided, they shall be ready and willing to be qualified, and if not, the letters of administration previously granted shall be reformed so as to conform to the state of the case, and the will be thereto annexed.

SEC. 2. When any person shall die intestate out of this State, and at the time of his or her death he or she was possessed of any goods, chattels or lands in any county in this

State, letters of administration may be granted in the county where any part of said goods, chattels or lands may be.

Passed the Senate January 22nd, 1885.

WILLIAM MACWILLIAMS,
Secretary of the Senate.

Passed the Assembly January 30th, 1885.

W. H. REYNOLDS,
Chief Clerk of the Assembly
MILTON H. MABRY,
President of the Senate.

ROBERT W. DAVIS,
Speaker of the Assembly.

EXECUTIVE OFFICE, }
TALLAHASSEE, FLA., February 9, 1885. }

HON. M. H. MABRY,

President of the Senate:

SIR: I herewith return without my approval the accompanying Senate Bill, entitled an act for the appointment of administrators.

I regret to withhold my approval of legislation and shall not do so except in cases where the reasons for so doing are so strong as to convince me that it is my duty so to do.

The first section of this bill, though it is not so expressed in the title or in the body of the section is an amendment of section seven, act of November 20, 1828, appearing as section five, page 78, of McClellan's Digest.

The second section of the bill provides that "when any person shall die intestate out of this State, and at the time of his or her death, he or she was possessed of any goods, chattels or lands in any county in this State, letters of administration may be granted in the county where any part of said goods, chattels or lands may be"

Such broad investiture of jurisdiction in our Probate Courts over the estates of decedents, domiciled at the time of decease in other States or foreign countries, regardless of any question of debts due to residents of this State, would in my opinion be subversive of the well recognized principle that the settlement of estates is primarily exclusive in the Probate Court for the district in which the decedent is domiciled at the time of decease.

When a person dies "intestate out of this State" and owes

no debts to any one residing here, why should there be any administration here in so far as the interests of our citizens are concerned?

The law makes ample provision in case there are creditors residing here.

No administration should be permitted on an estate in such cases where neither the State nor any of our citizens are creditors, nor where there have been such creditors and the debts have been paid by heirs, or by a foreign administrator, except it be an auxiliary or ancillary administration, or at the instance of persons interested by consanguinity.

To permit a stranger to thus interfere under the sanction of a court would not only impose, under the forms of law, useless expense, but might often result in the sale of property without the knowledge of persons interested, and work other injustice of the most serious character.

There is no necessity, so far as I can see, even if there is constitutional authority for this bill.

The first Section weakens the safeguards which for fifty-seven years have been found wholesome and satisfactory, and the second Section, to which my principal objections lie, makes a provision permitting an interference by strangers with property in a manner which cannot be comforting to any of the numerous non-resident owners of property in our State, nor encouraging to the investment of capital by non-residents to aid in our development.

I think this section would be a dangerous innovation upon well-established principles, and would open a broad door to great wrongs to the heirs and representatives of non-residents whose capital we are inviting into our State.

Respectfully,
E. A. PERRY,
Governor.

Mr. Stripling moved that the veto message be made the special order for Wednesday at 10 o'clock;

Which was not agreed to.

Mr. Martin moved to postpone the consideration of the message until 8 o'clock to-night.

Mr. Stripling moved to amend by naming 11 o'clock to-morrow, which was accepted by Mr. Martin.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Chandler, Cole, Cottrell, Lesley, Mallory, Martin, Mountien, Proctor and Stripling—9.

Nays—Messrs. Baker, Gaskins, Hankins, Hendricks, Jones,

Landrum, McKinne Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—14.

Which was not agreed to.

Mr. McKinne moved to reconsider the vote of the Senate by which Senate Bill No. 38, to be entitled an act to provide for the appointment of administrators, was passed.

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Baker, Chandler, Cole, Cottrell, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer, Stripling, Whidden and Williams—24.

Nays—None.

So the motion prevailed and the vote was reconsidered.

Upon the question, shall the bill pass, title as stated, the veto of the Governor to the contrary notwithstanding, the yeas and nays were called for,

The vote was:

Yeas—None.

Nays—Messrs. Baker, Cottrell, Gaskins, Hankins, Hendricks, Jones, Lesley, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sheppard, Speer, Whidden and Williams—20.

So the veto of the Governor was sustained.

The President and Secretary of the Senate signed the following enrolled bills:

An act to incorporate the Apalachicola and Alabama Railroad Company, and to grant certain lands to the same.

An act to declare what shall constitute a lawful fence or enclosure by any one; also,

An act to incorporate the Florida Midland Railway Company.

Mr. Landrum offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be instructed to place Senator Chas. B. Pendleton upon the present pay rolls for the session of 1883.

Passed over informally.

The Committee on Commerce and Navigation made the following report:

SENATE CHAMBER, Tallahassee, Fla., Feb. 9, 1885.

HON. MILTON H. MABRY,

President of the Senate:

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

Senate Bill No. 148, to be entitled "an act to require carriers in the State to receive, convey and deliver freight as agreed upon with shipper,"

Beg leave to report that they have considered the same, and recommend that it do pass, with the amendments herewith submitted, viz:

1st. That after the word "require" in the title, insert the word "common."

Strike out Section 2 and insert the following, viz: Section 2. That any officer, agent or employee of any person or corporation in this State, doing business as a public or common carrier in this State, who violates the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Very respectfully,
S. R. MALLORY, Chairman.

Which was read.

On motion of Mr. Gaskins the rules were waived and, Assembly Bill No. 173:

To be entitled an act to continue and extend the charter of the Green Cove Springs and Melrose Railroad Company, and to preserve and extend its land grant, as amended,

Was read a third time and put upon its passage.

The vote was:

Yeas—Messrs. Baker, Bryson, Chandler, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer, Whidden and Williams—25.

Nays—None.

So the bill passed, title as stated.

On motion of Mr. Gaskins the rules were waived, and the bill as amended was ordered to be certified to the Assembly at once.

On motion of Mr. Mann, the rules were waived to take up, Senate Bill No. 128:

To be entitled an act to indemnify the St. Johns and Halifax River Railway.

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

The yeas and nays being called for,

The vote was:

Yeas—Messrs. Baker, Chandler, Cole, Cottrell, Hendricks,

Lesley, Mallory, Mann, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer and Whidden—19.

Nays—Messrs. Delano, Jones, Landrum and Williams—4.
So the bill passed.

On motion of Mr. Mann the rules were waived and the bill was ordered to be certified at once.

Mr. McKinne moved to waive the rules, and to take up Assembly Bill No. 60.

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

Yeas—Messrs. Cottrell, Delano, Jones, Landrum, Lesley, Mallory, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—14.

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

Which did not prevail, two-thirds not voting in the affirmative.

Mr. Hendricks, Chairman of the Committee on Enrolled Bills, made the following report:

SENATE CHAMBER, Tallahassee, Fla., February 9, 1885.

HON. M. H. MABRY,

President of the Senate:

Sir: Your Committee on Enrolled Bills, to whom was referred—

Senate Bill No. 72:

To be entitled an act to incorporate the Apalachicola and Alabama Railroad Company, and to grant certain lands to the same; also,

Senate Bill No. 25:

To be entitled an act to incorporate the Florida Midland Railway Company.

Beg leave to report that they have presented the same to the Governor for his consideration.

Very respectfully,

S. M. HENDRICKS,
Chairman of Committee.

Which was read.

Senate Bill No. 61:

To be entitled an act in relation to railroads in this State and to provide a remedy for railroads which have been deteriorated and to appoint a receiver.

Upon the adoption of Mr. Mann's amendment—

Section 8, line 2, strike out railroad and insert State,
The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Chandler, Cole, Cottrell, Delano, Lesley, Mann and Sammis—8.

Nays—Messrs. Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sheppard, Speer, Whidden and Williams—12.

Which was not adopted.

Mr. Baker offered the following amendment :

Section 8. It shall be the duty of the Governor to appoint a Special Commission of Civil Engineers to examine the person appointed as State Engineer as to his competency to pass judgment upon the condition of any railroad, and no one shall be appointed State Engineer who shall not receive the endorsement of said commission.

Mr. McKinne moved the previous question.

Upon the question, shall the main question be now put ?

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Cottrell, Hendricks, Jones, Landrum, Mallory, Mountien, McKinne, Orman, Sheppard, Speer, Whidden and Williams—12.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Delano, Lesley, Mann, Martin, Proctor, Roberts and Sammis—11.

So the motion prevailed.

Upon motion to adopt the amendment of Mr. Baker,

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bryson, Chandler, Cole, Delano, Lesley, Mann, Martin, Proctor and Sammis—10.

Nays—Messrs. Cottrell, Jones, Landrum, Mallory, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—13.

So the motion did not prevail.

On the motion that the bill be engrossed for a third reading, the yeas and nays were called for.

The vote was :

Yeas—Messrs. Cottrell, Hendricks, Mallory, Mountien, McKinne, Orman, Sheppard, Speer, Whidden and Williams—10.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Delano, Landrum, Lesley, Mann, Martin, Proctor and Sammis—11.

So the motion did not prevail.

Mr. Lesley offered the following amendment, and moved its adoption :

Strike out section 4.

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

Yeas—Messrs. Baker, Bryson, Delano, Hankins, Lesley, Mann, Orman, Proctor, Roberts, Sammis and Whidden—11.

Nays—Messrs. Chandler, Cole, Cottrell, Gaskins, Hendricks, Jones, Mallory, Martin, Mountien, McKinne, Sheppard, Speer, Stripling and Williams—14.

So the motion did not prevail.

Mr. Delano offered the following resolution :

Resolved, That the bill be indefinitely postponed.

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

Insert Section 9. That whenever the receipts of such road are not sufficient to make the repairs as contemplated in this act the receiver shall draw on the Treasurer of the State for a sum sufficient to put the road in complete running order.

Mr. McKinne called for the previous question.

Upon the question, Shall the main question be now put ?

The yeas and nays being called for,

The vote was :

Yeas—Messrs. Cottrell, Crill, Gaskins, Hendricks, Jones, Lesley, Mallory, Mountien, McKinne, Orman, Roberts, Sheppard, Speer, Whidden and Williams—15.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Delano, Mann, Martin, Proctor, Sammis and Stripling—10.

So the motion prevailed.

Upon the adoption of Mr. Baker's amendment,

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Chandler, Cole, Delano, Lesley, Mann, Martin, Proctor, Roberts, Sammis and Whidden—11.

Nays—Messrs. Bryson, Cottrell, Crill, Gaskins, Hendricks, Jones, Mallory, Mountien, McKinne, Orman, Sheppard, Speer, Stripling and Williams—14.

Which was not adopted.

Upon Mr. Delano's motion to indefinitely postpone the bill,

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Delano, Hankins, Mann, Orman, Roberts and Whidden—7.

Nays—Messrs. Bryson, Cole, Cottrell, Crill, Hendricks, Jones, Lesley, Mallory, Martin, Mountien, McKinne, Proctor, Sammis, Sheppard, Speer, Stripling and Williams—16.

Which did not prevail.

Mr. Lesley gave notice that he would move to reconsider the vote just taken on to-morrow ;

Mr. McKinne moved that the bill be engrossed.

Mr. Stripling moved to reconsider the vote by which the Senate refused to indefinitely postpone the bill.

Mr. McKinne moved to lay the motion on the table; Upon which the yeas and nays were called for.

The vote was :

Yeas—Messrs. Cottrell, Crill, Hendricks, Jones, Landrum, Mallory, Martin, Mountien, McKinne, Orman, Sheppard, Speer, Stripling and Williams—14.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Delano, Gaskins, Hankins, Lesley, Mann, Pendleton, Proctor, Roberts, Sammis and Whidden—14.

The vote was a tie.

The Chair voted in the affirmative, and the motion to reconsider was tabled.

Mr. Mallory moved that the bill be engrossed, and called for the previous question;

Upon which the yeas and nays were called for.

The vote was :

Yeas—Messrs. Cottrell, Crill, Hendricks, Jones, Landrum, Mallory, Mountien, McKinne, Orman, Sheppard, Speer, Stripling, Whidden and Williams—14.

Nays—Messrs. Baker, Bryson, Chandler, Delano, Hankins, Lesley, Mann, Martin, Proctor, Roberts and Sammis—11.

So the call was sustained.

Upon the adoption of the motion that the bill be engrossed, The yeas and nays were called for.

The vote was :

Yeas—Messrs. Chandler, Cottrell, Crill, Gaskins, Hendricks, Jones, Landrum, Mallory, Mountien, McKinne, Orman, Shepard, Speer, Stripling and Williams—15.

Nays—Messrs. Baker, Bryson, Cole, Delano, Hankins, Lesley, Mann, Martin, Pendleton, Proctor, Roberts, Sammis and Whidden—13.

So the motion prevailed and the bill was ordered to be engrossed.

Mr. Mallory called up Senate Bill No. 81 A, to be entitled an act to change the county line between the counties of Putnam and Marion, upon Mr. Chandler's motion to reconsider the vote of the Senate thereon.

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

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Cottrell, Crill, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory Mountien, McKinne, Orman, Pendleton, Roberts, Speer, Whidden and Williams—17.

Nays—Messrs. Baker, Chandler, Cole, Martin, Proctor, Sammis and Stripling—7.

So the motion prevailed.

Mr. Stripling moved to reconsider the vote of Senate by which Senate Bill No. 61 was ordered to be engrossed.

Mr. Mountien moved that the motion to reconsider be laid on the table.

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Cottrell, Crill, Gaskins, Hendricks, Jones, Landrum, Mallory, Mountien, McKinne, Orman, Sheppard, Speer and Williams—13.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Delano, Hankins, Lesley, Mann, Martin, Proctor, Roberts, Sammis, Stripling and Whidden—14.

So the motion did not prevail.

Upon the motion to reconsider,

The yeas and nays were called for.

The vote was :

Yeas—Messrs. Baker, Bryson, Chandler, Cole, Delano, Hankins, Landrum, Lesley, Mann, Martin, Proctor, Roberts, Sammis, Stripling and Whidden—15.

Nays—Messrs. Cottrell, Crill, Gaskins, Hendricks, Jones, Mallory, Mountien, McKinne, Orman, Sheppard, Speer and Williams—12.

So the motion did not prevail, two-thirds not voting in the affirmative.

Mr. Mann raised a point of order, that a majority only was sufficient to reconsider the vote of the Senate.

The chair ruled that the Senate had ordered the bill engrossed, and the Senate could not rescind an order of the Senate except on a two-thirds vote.

Mr. Baker appealed from the decision of the chair.

Upon the question, shall the decision of the chair be the judgment of the Senate,

The yeas and nays being called for.

The vote was :

Yeas—Messrs. Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—20.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Martin, Proctor and Stripling—7.

The decision of the chair was sustained.

Mr. Mallory moved that the Senate adjourn until 8 o'clock; Which was agreed to.

Whereupon the Senate adjourned until 8 o'clock.

NIGHT SESSION—8 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. Baker, Bryson, Burnam, Chandler, Cole, Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Speer, Whidden and Williams—26.

A quorum present.

Mr. Crill moved that the rules be waived to take up—

Senate Bill No. 129, providing for the levy of taxes for 1885 and 1886.

The vote was:

Yeas—Messrs. Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Roberts, Sheppard, Speer, Whidden and Williams—19.

Nays—Messrs. Baker, Bryson, Burnam, Chandler, Cole, Martin, Proctor and Sammis—8.

Which was agreed to.

Senate Bill No. 129:

Providing for the levy of taxes for 1885 and 1886.

Which was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Baker, Bryson, Burnam, Chandler, Cole, Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Sammis, Sheppard, Speer, Whidden and Williams—26.

Nays—None.

So the bill passed, title as stated.

Mr. Crill moved to waive rules, and the bill to be certified at once.

The motion prevailed.

Mr. Crill moved that the rules be waived to take up Senate Bill No. 130: To be entitled an act to provide for the management of the State Asylum for the indigent lunatics.

The vote was:

Yeas—Messrs. Chandler, Cottrell, Crill, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Roberts, Sammis, Sheppard, Speer, Whidden and Williams—19.

Nays—Messrs. Baker, Burnam, Martin, Proctor and Strippling—5.

Which was agreed to.

Senate Bill No. 130: To be entitled an act to provide for the management of the State Asylum for the indigent lunatics.

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Chandler, Cole, Cottrell, Crill, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, McKinne, Orman, Pendleton, Roberts, Sammis, Sheppard, Speer, Strippling, Whidden and Williams—20.

Nays—Messrs. Baker, Bryson, Burnam, Mountien and Proctor—5.

So the bill passed, title as stated.

Ordered that the same be certified to the Assembly.

Mr. Crill moved that the rules be waived to take up—

Senate Bill No. 126:

To be entitled an act to amend sections 45 and 46 of an act entitled an act for the government and collection of revenue, approved March 5, 1883.

The vote was:

Yeas—Messrs. Burnam, Cole, Cottrell, Crill, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Sammis, Sheppard, Speer, Strippling, Whidden and Williams—21.

Nays—Messrs. Baker, Chandler and Proctor—3.

So the motion was agreed to.

Senate Bill No. 126:

To be entitled an act to amend sections 45 and 46 of an act entitled an act for the government and collection of revenue, approved March 5, 1883,

Was read the third time and put upon its passage.

Mr. Baker moved to recommit the bill to the Committee on Finance and Taxation.

The vote was:

Yeas—Messrs. Baker, Bryson, Chandler, Cole, Cottrell, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Mallory, Martin, Mountien, McKinne, Orman, Proctor, Sammis, Sheppard, Speer, Strippling and Whidden—22.

Nays—Messrs. Burnam, Crill, Lesley, Pendleton and Williams—5.

Which was agreed to.

Mr. Pendleton moved that the rules be waived to take up Senate Bill No. 143, to be entitled an act to prevent excessive rates of tariff over any telegraph or cable company within the State of Florida.

The vote was:

Yeas—Messrs. Cottrell, Crill, Hendricks, Landrum, Lesley, Mallory, McKinne, Orman, Pendleton, Speer, Stripling and Williams—12.

Nays—Messrs. Baker, Bryson, Burnam, Chandler, Cole, Delano, Gaskins, Hankins, Mann, Martin, Mountien, Proctor, Sammis and Whidden—14.

So the motion did not prevail.

Mr. Mallory moved that the rules be waived and bills be taken up on the third reading.

The vote was:

Yeas—Messrs. Burnam, Cottrell, Crill, Gaskins, Hendricks, Jones, Landrum, Lesley, Mallory, McKinne, Orman, Pendleton, Sheppard, Speer, Whidden and Williams—16.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Mann, Martin, Mountien, Proctor, Sammis and Stripling—10.

So the motion did not prevail, two-thirds not voting in the affirmative.

Mr. Stripling moved that the rules be waived to take up—Senate Bill No. 65:

To be entitled an act to create a superintendent of the penitentiary and to prescribe his duties.

The vote was:

Yeas—Messrs. Burnam, Chandler, Delano, Lesley, Martin, McKinne, Pendleton, Proctor, Sammis, Stripling and Williams—11.

Nays—Messrs. Baker, Bryson, Cottrell, Crill, Gaskins, Jones, Landrum, Mallory, Mann, Mountien, Orman, Sheppard, Speer and Whidden—14.

So the motion did not prevail.

Message from the Assembly.

Mr. Chandler moved that the rules be waived and bills from the Assembly be taken up and referred to committees.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Chandler, Gaskins, Hendricks, Jones, Landrum, Lesley, Mallory, Mountien, McKinne, Orman, Pendleton, Sammis, Sheppard, Speer, Whidden and Williams—16.

Nays—Messrs. Baker, Bryson, Burnam, Cottrell, Delano, Hankins, Mann, Proctor and Stripling—9.

So the motion did not prevail.

Mr. Lesley moved to make Senate Bill No. 67 the special order for 9 o'clock to-night:

To incorporate the Tampa Street Railway Company.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Burnam, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, McKinne, Orman, Pendleton, Sheppard and Speer—14.

Nays—Messrs. Baker, Bryson, Chandler, Cottrell, Martin, Mountien, Proctor, Sammis, Stripling, Whidden and Williams—12.

So the motion prevailed.

Mr. Stripling moved that the further consideration of Senate Bill No. 67 be postponed till 9:20 o'clock to-night;

Which was agreed to.

Mr. McKinne moved that the rule be waived and Assembly Bill No. 60, be taken up.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Crill, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, McKinne, Orman, Pendleton, Sheppard, Speer, Stripling, Whidden and Williams—18.

Nays—Messrs. Burnam, Chandler, Cole, Cottrell, Martin, Proctor and Sammis—7.

So the motion prevailed.

Assembly Bill No. 60:

To be entitled an act to incorporate the Chattahoochee and Alabama Railroad, and to aid in the construction thereof,

Was read the second time.

The amendments recommended by the committee were adopted, and the bill ordered to be engrossed for a third reading.

The hour having arrived for special order, Senate Bill No. 67 was taken up and read by the Secretary.

Message from the Assembly.

Mr. McKinne in the chair.

Senate Bill No. 67,

Was read the third time and put upon its passage.

The vote was:

Yeas—Messrs. Baker, Bryson, Burnam, Chandler, Cole, Cottrell, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Sheppard, Speer, Whidden and Williams—23.

Nays—Mr. Crill—1.

So the bill passed, title as stated.

Mr. Lesley moved that the rules be waived and the bill be certified to the Assembly at once.

Which was agreed to.

On motion the rules were waived and the bill ordered certified to the Assembly at once.

Mr. Landrum moved that the rule be waived, and

Senate Bill No. 108, authorizing the Governor to appoint a committee to investigate and ascertain what quantity of land and number of acres the Atlantic and Gulf Canal and Okeechobee Land Company have reclaimed for the State, and for other purposes, be taken up and read the second time.

Mr. Lesley offered the following amendment:

In Section 1, line 6, strike out the words "to Kissimmee Lake, thence down said river;"

Which was adopted.

Mr. Mallory offered the following amendment:

In line 6, section 2, printed bill, strike out "is" and insert "are" in lieu thereof;

Which was adopted.

Mr. Baker offered the following amendment:

In section 6, line 1, strike out "six hundred" and insert "one thousand."

Mr. Chandler offered the following amendment to the amendment:

In section 6, line 1, strike out "one thousand" and insert "five hundred."

Upon the adoption the vote was:

Yeas—Messrs. Burnam, Chandler, Crill, Gaskins, Jones, Lesley, Mallory, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Sheppard, Speer and Whidden—16.

Nays—Messrs. Baker, Bryson, Cole, Hankins, Hendricks, Landrum, Sammis, Stripling and Williams—9.

Which was adopted.

Mr. Chandler moved the indefinite postponement of the bill. Message from the Assembly upon the question of indefinite postponement.

The vote was:

Yeas—Messrs. Baker, Chandler and Sammis—3.

Nays—Messrs. Bryson, Burnam, Cole, Cottrell, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, Martin, Mountien, McKinne, Orman, Pendleton, Proctor, Sheppard, Speer, Stripling, Whidden and Williams—25.

So the motion was lost.

Mr. Orman offered the following amendment, and moved its adoption:

Strike out in section 4, line 1, the word "subrogate" and insert "by subrogating."

The motion prevailed.

Mr. Mann offered the following amendments:

In section 6, first line, strike "six hundred" and insert "one thousand."

In second line strike out "Treasurer" and insert "Internal Improvement Fund."

Which was adopted.

Mr. Baker offered the following amendment:

In section 1, line 2, strike out the words "two discreet and practical men" and insert J. T. Lesley, J. W. Whidden and A. S. Mann.

Mr. Chandler moved to lay the amendment on the table;

Which was not agreed to.

The amendment was lost.

Mr. Stripling offered the following amendments:

1st. In line 2 of preamble the words "and deeded,"

2d. In line 7 of preamble insert the word "coast" after the word "gulf,"

3d. In line 2, section 3, strike out the word "deeded" and insert "conveyed,"

4th. In line 3, section 3, strike out "deeded and conveyed,"

5th. In line 4, section 4, insert "coast" after "gulf,"

6th. In line 2, section 5, strike out "deeded" and insert "conveyed" in same line, same section, insert "coast" after "gulf,"

7th. In line 3 of preamble insert the word "coast" after "gulf;"

Which were adopted.

Mr. Baker offered the following amendment:

In section 1, line 2, strike out "two" and insert "three."

The motion was lost.

The bill was ordered engrossed for a third reading, with the amendments.

Mr. Mallory moved that bills be taken up on third reading.

The yeas and nays were called for.

The vote was:

Yeas—Messrs. Cottrell, Crill, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, McKinne, Orman, Pendleton, Sheppard, Speer, Whidden and Williams—16.

Nays—Messrs. Baker, Bryson, Burnam, Chandler, Cole, Martin, Mountien, Proctor, Sammis and Stripling—10.

So the motion was lost, not receiving a two-thirds vote.

Mr. Mallory moved to make bills on third reading a special order for to-morrow at 11 o'clock;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Burnam, Cottrell, Crill, Gaskins, Hankins, Hendricks, Jones, Landrum, Lesley, Mallory, Mann, McKinne, Orman, Pendleton, Sheppard, Speer, Whidden and Williams—18.

Nays—Messrs. Baker, Bryson, Chandler, Cole, Martin, Mountien, Proctor, Sammis and Stripling—9.
Two-thirds voting in the affirmative, the motion prevailed.
On motion of Mr. Landrum the Senate adjourned.

CONFIRMATIONS.

W. M. Brown, to be Sheriff of Holmes county.
J. S. Stowe, to be Sheriff of Calhoun county.
W. R. Sanders, to be Assessor of Taxes for Brevard county.
y. M. R. Cooper, to be County Judge of St Johns county.
V. O. Scarborough to be Tax Assessor for Duval county.
Moses J. Brown, to be Collector of Revenue for Duval county.
R. M. Morgan, to be Collector of Revenue for Gadsden county.
C. C. Pearce, to be Collector of Revenue for Leon county.
Wilson H. Sessions, to be Collector of Revenue for Suwannee county.
C. L. Wright, to be Sheriff of Clay County.

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TUESDAY, February 10, 1885.

The Senate met pursuant to adjournment.
The President in the chair.
The roll being called, the following Senators answered to their names:
Messrs. Baker, Bryson, Burnam, Chandler, Cole, Cottrell, Crill, Delano, Gaskins, Hankins, Hendricks, Jones, Landrum, Mallory, Mann, Mountien, McKinne, Orman, Pendleton, Proctor, Roberts, Sammis, Sheppard, Speer, Stripling, Whidden and Williams.
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.

The following resolution of Mr. Landrum was read:
Resolved, That the Sergeant-at-Arms of the Senate be instructed to place Senator Chas. B. Pendleton upon the present pay rolls for the Session of 1883.

Mr. Martin moved to indefinitely postpone the resolution
The yeas and nays were called.
The vote was:

Yeas—Messrs. Baker, Cottrell, Hendricks, Martin, Mountien, McKinne, Proctor, Sheppard, Speer and Williams—10.

Nays—Messrs. Bryson, Chandler, Cole, Crill, Delano, Gaskins, Hankins, Landrum, Lesley, Mallory, Orman, Roberts, Sammis, Stripling and Whidden—15.

Which was not agreed to.

Mr. Baker moved to refer the resolution to the Judiciary Committee.

Mr. Sammis moved to lay the motion on the table;
So the motion prevailed.

Upon the adoption of the resolution, the yeas and nays were called for.

The vote was:

Yeas—Messrs. Bryson, Chandler, Cole, Crill, Delano, Gaskins, Hankins, Landrum, Lesley, Mallory, Mann, Orman, Roberts, Sammis, Stripling and Whidden—16.

Nays—Messrs. Baker, Burnam, Hendricks, Jones, Martin, Mountien, McKinne, Proctor, Sheppard, Speer and Williams—11.

So the motion prevailed, and the resolution was adopted.

The following communication from the Sergeant-at-Arms was read:

TALLAHASSEE, FLA., February 9, 1885.

HON. M. H. MABRY,

President of the Senate:

Sir: On 26th January, 1885, Mr. William Thomas, Messenger, reported to me that he was compelled on account of sickness to absent himself from duty. On the 27th I procured the services of S. W. Coster to discharge the duties of Messenger. Mr. Wm. Thomas was absent 12 days. I respectfully request that the Senate instruct me whether I shall deduct the lost time of Mr. Thomas and give it to S. W. Coster, or allow the time to Mr. Thomas, Messenger, in addition to the time to be allowed S. W. Coster.

Very respectfully submitted,

M. F. PAPY,
Sergeant-at-Arms.

On motion of Mr. Chandler the communication was referred to the Committee on Legislative Expenses.

Mr. Stripling offered the following resolution:

Resolved by the Senate, the Assembly concurring, That the