

Senate bill No. 14, was taken up, read third time and lost by the following vote:

Yeas—Messrs. Alden, Bradwell, Hunt, Jenkins, Meacham, Mobley, Pearce, and Purman—8.

Nays—Messrs. Atkins, Crawford, Davis, Goss, Ginn, Katzenberg, Krimminger, Moragne, Weeks, and Wood—10.

Senate bill No. 27, was taken up, read third time, and passed with the following vote:

Yeas—Messrs. Alden, Bradwell, Crawford, Davidson, Davis, Goss, Ginn, Hunt, Jenkins, Katzenberg, Knight, Krimminger, Meacham, Moragne, McCaskill, Pearce, Purman, and Wood—18.

Nays—Messrs. Atkins, Mobley, and Weeks—3.

Senate bill No. 46, was taken up, read third time, and passed with the following vote:

Yeas—Messrs. Alden, Bradwell, Crawford, Davidson, Goss, Ginn, Hunt, Jenkins, Katzenberg, Knight, Krimminger, Meacham, Mobley, Moragne, Pearce, Purman, Weeks, and Wood—18.

Nays—None.

Assembly bill, No. 9, was taken up on its third reading, and on motion was placed back on its second reading, and recommitted to the Committee on State Affairs.

The following report was offered on leave by the Committee on Printing:

The committee to whom was referred the bill entitled An Act to provide for the Publication of the Laws and Official and Legal Advertisements, beg leave to return the same without amendment, and recommend its passage.

GEO. J. ALDEN,
Chairman Committee on Printing.

Which was adopted, and the bill read the second time by title under suspension of the rules.

Mr. Mobley, on leave, reported from the Committee on Finance and Taxation, a bill to be entitled An Act for the Assessment and Collection of Revenue, which was read first time by title under suspension of the rules.

Mr. Goss, on leave, reported from the Committee on the Judiciary the following bills, which were read first time by title under suspension of the rules:

An Act to legalize the Ordinance passed in the Constitutional Convention called "An Ordinance abolishing County Criminal Courts."

An Act to legalize the ordinance passed by the constitutional convention, called An Ordinance to Provide the Means of Defraying the Expenses of the Convention.

Mr. Jenkins, on leave, introduced a bill to be entitled An Act in relation to Landlords and Tenants, which was read first time

by title, under suspension of the rules, and referred to the Committee on the Judiciary.

On motion, the Senate adjourned.

FRIDAY, July 24th, 1868.

The Senate met pursuant to adjournment.

The President in the Chair.

Prayer by the Chaplain.

A quorum present.

The President called Mr. McCaskill to the Chair.

The journal was corrected and approved, and its full reading dispensed with.

Mr. Moragne offered the petition of Henry R. Teasdale and others, praying for a ferry over the St. Johns river, which was read and referred to Committee on State Affairs.

Mr. Davis offered the following resolution:

WHEREAS, bills to be engrossed and to be enrolled are rapidly accumulating, and will accumulate more so towards the close of the session; therefore be it

Resolved, That the chairman of each committee be, and is hereby, authorized to employ as many extra clerks as may be necessary to do the work;

Which was adopted.

The following bills were introduced on leave, rule waived, and read first time by title:

By Mr. Ginn:

"An act concerning the establishment of a ferry on the Cross Prairie;" referred to Committee on Corporations.

By Mr. Mobley:

"An act regulating city government and election of officers for same for the several cities in the State."

By Mr. Moragne:

"An act to establish a land office at Palatka, and for other purposes;" referred to Committee on Public Lands.

By Mr. Purman:

"An act to incorporate the Richerson Springs Hotel Company;" referred to Committee on Corporations.

By Mr. Knight:

"An Act to provide for the removal of the State Seminary east of the Suwannee, from Gainesville to Lake City;" referred to Committee on Education.

The Committee on Printing reported back Senate bill, No. 49, with the recommend that it pass; which was read the second time by title under suspension of the rules.

The Committee on Finance and Taxation made the following

REPORT:

TO THE SENATE:

The Committee on Finance and Taxation, to whom was referred Assembly bill, No. 45, for the relief of D. A. Frier and his securities, beg leave to report the following as a substitute, and ask that the substitute be adopted: To pass the bill in its original form would recognize the validity of a class of spurious State scrip, which has been repudiated by the Legislature. On an examination of the whole case your committee is satisfied that the relief should be granted.

C. R. MOBLEY,
Chairman Committee Finance and Taxation.

The report was adopted, and the substitute read third time and passed, with the following vote:

Yeas—Messrs. Alden, Bradwell, Davis, Goss, Hunt, Jenkins, Katzenberg, Knight, Krimminger, Meacham, Mobley, Pearce, Purman, Underwood, and Weeks—15.

Nays—Messrs. Atkins, Crawford, Ginn, and Wood—4.

Assembly bill, No. 53, was taken up, read third time, and passed, with the following vote:

Yeas—Messrs. Alden, Atkins, Bradwell, Crawford, Davis, Goss, Ginn, Hunt, Jenkins, Katzenberg, Knight, Krimminger, Meacham, Mobley, Moragne, McCaskill, Pearce, Purman, Underwood, Weeks, and Wood—21.

Nays—None.

Senate bill, No. 24, was taken up, read third time, and passed, with the following vote:

Yeas—Messrs. Alden, Atkins, Bradwell, Crawford, Davidson, Davis, Goss, Ginn, Hunt, Jenkins, Katzenberg, Knight, Krimminger, Meacham, Mobley, Moragne, Pearce, Purman, Underwood, Weeks, and Wood—21.

Nays—None.

Senate bill, No. 50, was taken up, read third time, and passed, with the following vote:

Yeas—Messrs. Alden, Atkins, Bradwell, Crawford, Davis, Goss, Ginn, Hunt, Katzenberg, Knight, Krimminger, Meacham, Mobley, Moragne, Pearce, Purman, Underwood, Weeks, and Wood—19.

Nays—None.

Assembly bill, No. 39, was taken up on its third reading, and on motion, it was returned to its second reading, and postponed until to-morrow.

The Senate took a recess till five P. M.

FIVE O'CLOCK, P. M.

The Senate resumed its session, the President in the chair.

A quorum present.

On motion of Mr. Meacham, the Sergeant-at-Arms was excused from attendance on account of sickness, and the Assistant Sergeant-at-Arms was directed to assume the duties of the office temporarily.

The following report was received and the accompanying bills placed on their third reading:

Report of the Committee on Engrossed Bills:

The Committee on Engrossed Bills have examined the following bills, and find them correctly engrossed, viz.:

Senate bill, No. 43, An Act relating to jurors.

Senate bill, No. 36, a bill to be entitled An Act providing for the publication of the laws, and official and legal advertisements.

Also, memorial to Congress for a mail route from the city of Tampa to Clear Water Harbor.

Respectfully submitted,

J. E. A. DAVIDSON, Chairman.

Also, the following:

The Judiciary Committee to whom was referred the bill entitled "An Act in relation to landlords and tenants," would return the same, and recommend its indefinite postponement, provisions having already been provided for in the bill that has passed called "Forcible Entry Detainer."

J. H. Goss, Chairman Committee.

Also, the following:

The Committee on Corporations to whom was referred a resolution of the Senate, respecting certain facts concerning the charter of the International Ocean Telegraph Company, passed January 2, 1866, respectfully report that they have inquired into the facts stated in the preamble of the resolution, and find—

1st. That the three months public notice of an application for said act of incorporation was not given by the said International Ocean Telegraph Company, as required by the provisions of the Constitution of the State.

2d. That the one hundred dollars bonus to the State to be deposited with the Treasurer before the introduction of any charter or acts of incorporation was not deposited as required by the Constitution of the State.

Your committee having further submitted to the Attorney General the question of the necessity of such notice, and of the

payment of such money into the treasury, beg leave to submit the following opinion:

OFFICE OF ATTORNEY GENERAL,
Capitol, Tallahassee, July 22, 1868.

HON. W. H. HUNT, Chairman of the Senate Committee on Corporations:

SIR: Yours of the 21st, desiring to know "whether any act of incorporation of a private character, granted by the Legislature of 1866, has a legal and valid existence without the three months notice having been given, and without the payment of one hundred dollars into the State treasury previous to the application for or the granting of such charter," is received.

The Constitution of 1865 contains the following provisions:

Section 21, Article IV.—"No act incorporating any railroad, banking, insurance, commercial, or financial corporation shall be introduced into the General Assembly unless the person or persons applying for such corporation, shall have deposited with the Treasurer the sum of one hundred dollars as a bonus to the State."

Section 1, Article XIII.—"The General Assembly shall pass no act of incorporation nor make any alteration in one unless public notice in one or more newspapers in the State shall have been given for at least three months immediately preceding the session at which the same may be applied for."

Section 9 of Article XIII.—"Nomiser for the space of one year, or any act of a corporation, or those having the control or management thereof, or intrusted therewith, inconsistent with or in violation of the provisions of this Constitution, or of its charter shall cause its forfeiture."

It will be seen by reference to the two first sections that the introduction, without the bonus, and the passage, without the notice of an act of incorporation of the character mentioned in section 21, Article VI. is unconstitutional, and I cannot conceive how an act introduced as well as passed in violation of the Constitution can be operative as a law. I know no principle which would authorize the opinion that it would be in such a case inoperative for one purpose and yet operative for another. If the introduction and passage of an act in violation of the Constitution has any effect, it cannot be partial. If this be so, to give any force to these provisions of the Constitution in the case made by you, would render the act unconstitutional. It is my opinion that such an act is unconstitutional.

Very respectfully, your obedient servant,

JAS. D. WESTCOTT, Jr., Attorney General.

Your committee find that the said company having neglected to comply with the conditions precedent to the granting of char-

ters under the laws of the State, the charter, or act of incorporation of said company is therefore void and inoperative, and they recommend the passage of the accompanying acts.

W. H. HUNT, Chairman.
R. M. SMITH,
WILLIAM BRADWELL,
Committee on Corporations.

The report was read and referred to the Committee on the Judiciary.

The accompanying bill to be entitled An Act declaring void and inoperative An Act entitled An Act to encourage telegraphic communication between the State of Florida and through the Island of Cuba and other West India Islands, was read first time by its title under a suspension of the rules. A motion to waive the rules for the purpose of reading it the second time by the title was lost by the following vote, the ayes and nays being demanded:

Yeas—Messrs. Bradwell, Davidson, Hunt, Jenkins, Katzenberg, Knight, Krimminger, Meacham, and Purman—9.

Nays—Messrs. Atkins, Crawford, Davis, Goss, Ginn, Mobley, Moragne, McCaskill, Pearce, Underwood, Weeks, and Wood—12.

The message of the Governor returning the bill authorizing the city of Pensacola to issue bonds, with his objections, was taken up, and on the question, "Shall the bill become a law, notwithstanding the Governor's objections?" the vote was as follows:

Yeas—None.

Nays—Messrs. Atkins, Bradwell, Crawford, Davidson, Davis, Goss, Ginn, Hunt, Jenkins, Katzenberg, Knight, Krimminger, Meacham, Mobley, Moragne, McCaskill, Pearce, Purman, Underwood, Weeks, and Wood—21.

So the bill did not pass.

The following reports of committees were received, on leave:

The Judiciary Committee to whom was referred the bill entitled "An Act to provide for the service of civil process upon Railroad Companies in the State of Florida," would recommend the indefinite postponement of the same, there having been a bill already acted upon that provides for the provisions of this bill.

J. H. Goss,
Chairman Committee.

The Judiciary Committee to whom was referred the bill "relating to divorces," would recommend that it be indefinitely postponed, as the provisions in this bill will be covered by a general law relating to divorces.

J. H. Goss, Chairman Committee.

Which was adopted.

The Committee on Code of Practice in Civil and Criminal Cases, to whom was referred Senate bill No. 18 $\frac{1}{2}$, to be entitled An Act to organize the County Courts of the several Counties of this State, and to prescribe the mode of Practice of said Courts, have had the same under consideration, and beg leave to report the following as a substitute, and recommend that the substitute be adopted.

C. R. MOBLEY, Chairman Committee.

Which was adopted.

The committee to whom House bill No. 19 was referred, report the same back and recommend that the same pass.

A. A. KNIGHT,

Chairman of Committee on City and County Organizations.

Which was adopted.

SENATE CHAMBER, July 24th, 1868.

The Committee on Enrolled Bills beg leave to report as correctly enrolled, Senate bill No. 2, "An Act to organize the Southern Inland Navigation and Improvement Company."

D. DAVIS,

Chairman Committee on Enrolled Bills.

The enrolled bill was signed by the President.

The Committee on Corporations respectfully return to the Senate House bill No. 23, and recommend its passage.

W. H. HUNT,

Chairman Committee on Corporations.

The Committee on Corporations to whom was referred Assembly bill No. 8, being "An Act to Incorporate the Suwannee Steamboat Company," respectfully report an amended bill, and recommend its passage.

The committee beg leave to report that they have amended the bill in such a way only as to avoid the unconstitutional features of the bill as passed by the Assembly.

W. H. HUNT,

Chairman Committee on Corporations.

Which was adopted.

The following petitions were presented, read and referred to Committee on Privileges and Elections:

By Mr. Meacham:

TALLAHASSEE, FLA., July 24th, 1868.

To the Honorable the Senate of the State of Florida:

Your petitioner would respectfully beg leave to submit the

allegation of ineligibility against John L. Crawford, returned as Senator from the Seventh District, to hold a seat in your honorable body, and to support the same by proper evidence; and he further prays that he may be adjudged entitled to the said seat.

Very respectfully,

JOHN WYATT.

By Mr. Knight:

TALLAHASSEE, FLA., July 24th, 1868.

To the Honorable, the Senate of the State of Florida:

Your petitioner would respectfully beg leave to submit the allegation of ineligibility against Arthur Ginn, returned as Senator from the Twentieth District, to hold a seat in your honorable body, and to support the same by proper evidence; and he further prays that he may be adjudged entitled to the said seat.

Very respectfully,

WILLIAM H. HOLDEN.

The following memorials, presented by Mr. Alden, were read:

To the Legislature of the State of Florida in Senate and Assembly:

Your memorialists respectfully represent that they are desirous of organizing an association, to be known as the Pilots' Association of Pensacola, Florida. They are prompted to this with a view to the preservation of their vocation from the intrusion of outsiders, and others who, regardless of their obligation, too often bring discredit on the faithful and diligent pilot, and place in jeopardy the interest of commerce by reason of their incompetency.

An experience of some years on the bar of Pensacola has enabled us to see the necessity of providing against an existing evil, and of seeking shelter ourselves from charges alleged against the body of pilots, by reason of the fault of the reckless and unskillful; there may be guards appointed by law to prevent incompetent and unworthy persons imposing themselves upon the navigation of this port, yet, nevertheless the stranger who approaches the bar may be deceived and led into danger by one of that class. 'Tis the stranger of all others who needs most the skillful and reliable pilot. Such an one on board ship, the master yields with confidence the control of his vessel freighted with a valuable cargo; but should one not conversant with the tide-sets, the drifts and under-tow, (their influences frequently varying,) undertake to bring in from sea a vessel, the slightest mistake may shipwreck all and cast a stigma not alone on the guilty one, but falls to some extent on the innocent and qualified pilots.

'Tis against the wrong doers, and for the reputation of the

navigation of the bar and harbor of Pensacola, that your memorialists propose to organize their association and that they may do so with advantage to themselves, they pray your honorable body to make provision for their association, in the general law incorporating useful companies and associations, that may be passed at your present session.

And as in duty bound your memorialists will ever pray.

ROBERT SMITH,
President of Pilot Association.

GUS OLIVER, Secretary.
Pensacola, June 15th, 1868.

Referred to Committee on Corporations.

PENSACOLA, June 15th, 1868.

To the Legislature of the State of Florida in Senate and Assembly:

The petition of the undersigned respectfully shows, that at the second session of the Assembly of Florida, begun and held at the Capitol in the city of Tallahassee, November 14th, 1866, an act was passed fixing the pay and mileage of the members; that under that act, your petitioner as members of said Assembly were entitled to receive, for their attendance thereon, the sum of one thousand and fifty-one dollars, of which sum they have only received three hundred and thirty-five dollars, the balance having been withheld under the assumption that the law fixing the pay of members at that session was unconstitutional, and was in direct conflict with an act of 1861 upon the same subject; that though the act of 1861 was passed by a body not recognized under the constitution of the United States, yet it was in force, having been made valid by the Convention of 1865.

Your petitioners would respectfully ask what was made valid? the Legislature of 1861 certainly had, at the time of the passage of that act, no legal existence whatever, they were no more than any other persons of like number who might, without authority of law or constitution, seek to make and violate contracts; nor could the Convention remedy the original want of legal action, even if we admit the power of legislation in the Convention, which it clearly had not. But your petitioners contend that they were acting under a new and original contract made and entered into by and between the people of Florida and your petitioners, as by reference to the various instruments and orders on file, and under which said agreement was made with your petitioners, and the services rendered by them in pursuance thereto, and that for and in consideration of said services rendered by your petitioners, the people then and there, by their legally constituted representatives, recognized the said services

and undertook to pay the consideration therefor, and that notwithstanding the interference of David S. Walker and John Beard, to prevent the payment of the sum due your petitioners, the contract is not in anywise impaired, but the same is justly due, and your petitioners therefore pray your body to pass a bill for their relief, and that an amount may be appropriated to the payment of each separate claim.

And as in duty bound your petitioners will ever pray, &c., &c.

GEO. H. O'NEAL,
F. C. HUMPHREYS,
WM. W. J. KELLY,
H. T. WRIGHT,
DAN'L WILLIAMS.

Referred to Committee on the Judiciary.

Mr. Jenkins, on leave, introduced a bill to be entitled "An Act to authorize John W. Butler to build a boone across Black-water river;"

Which was read the first and second times by title, under suspension of the rules.

The following bills were introduced, on leave, read first time by title, under a suspension of the rules.

By Mr. Hunt:

An Act to repeal An Act entitled An Act to authorize the circuit courts of this State to grant licenses for building toll bridges, and for other purposes; referred to Committee on State Affairs.

By Mr. Knight:

An Act to allow judges of the circuit court mileage in certain cases; referred to Committee on State Affairs.

By Mr. Knight:

An Act relating to the railroad companies that have accepted the benefits of the Internal Improvement Act, and providing for a sale of said roads, and vesting corporate rights in the purchasers or takers, prescribing certain duties to be performed by the Governor and the board of trustees of the Internal Improvement Fund of this State; referred to the Committee on Railroads.

On motion of Mr. Knight the vote of yesterday, by which the Senate refused to pass Senate bill No. 14, was reconsidered, and the bill placed back on its third reading.

On motion, the Senate went into executive session.

The executive nominations of the 22d inst. were taken up, and the following were confirmed:

John W. Butler, to be Collector of Revenue for Santa Rosa county.

W. W. Walker, to be Clerk of the Court for Wakulla county.
 Noah Posey, to be Sheriff of Wakulla county.
 Nathan W. Butler, to be Assessor of Taxes for Wakulla county.

W. G. Robison, to be Collector of Revenue for Wakulla county.

John R. Mizell, to be County Judge for Orange county.

Alexander Stockton, to be Clerk of the Court for Orange county.

David M. Mizell, to be Sheriff for the county of Orange.

Jackson Simmons, to be Assessor of Taxes for Orange county.

Robert Parting, to be Collector of Revenue for Orange county.

Action on the following nominations was postponed till Monday next, the 27th inst.:

W. T. Duval, to be County Judge for Wakulla county.

B. C. Leonardy, to be Collector of Revenue for Hillsborough county, in place of Henry Albury, whose nomination is withdrawn.

James McCreany, to be Assessor of Taxes for Santa Rosa county.

On motion the doors were opened.

On motion, Senate bill No. 4, was taken up. On motion, the bill was amended by striking out section 2 and inserting the following:

SEC. 2. That the said corporation shall have the sole and exclusive power of constructing and working a submarine and land telegraph, or lines of telegraph, through and from the State of Florida to any of the West India Islands (except such islands as are under the government of Spain), and to connect the same with Europe, Africa, Asia, Central America, and South America, and any and all of the Islands of the Pacific and Indian Oceans.

On motion, the Senate adjourned.

SATURDAY, July 25th, 1868.

The Senate met pursuant to adjournment.

The President in the Chair.

A quorum present.

The reading of the journal was dispensed with.

On motion of Mr. Knight, Mr. Hunt, of the 21st District, was excused from further attendance this session.

On motion of Mr. Knight, Mr. Moragne, of the 17th District, was excused from further attendance after Tuesday next.

Mr. Knight, on leave, introduced a bill to be entitled An Act to incorporate the Florida Savings Bank Institution;

Which was read first time by its title, under suspension of the rules, and referred to the Committee on Corporations.

Mr. Alden, on leave, introduced a bill to be entitled An Act for the regulation of Ferries;

Which was read first time by title, under suspension of the rules, and referred to the Committee on City and County Organizations.

The report of the Judiciary Committee on Senate bill No. 54 was taken up and adopted, and the bill indefinitely postponed.

Senate bill No. 51 was called up, read second time by title, under suspension of the rules, and ordered engrossed.

The following Assembly bills were taken up, read first time by title, under suspension of the rules, and referred:

No. 25, to Committee on Railroads.

No. 28, to Committee on State Affairs.

No. 59, to Committee on the Judiciary.

Assembly bill No. 54 was taken up, read first time, and referred to the Committee on Corporations.

Assembly bill No. 8 was taken up, read second time by title, under a suspension of the rules, and ordered engrossed.

Assembly bill No. 19 was taken up, and indefinitely postponed.

The following messages were received from the Assembly, and the accompanying bills and resolutions placed among the orders of the day.

ASSEMBLY HALL,
 Tallahassee, Fla., July 24, 1868. }

HON. W. H. GLEASON, President of the Senate:

SIR: The Assembly has passed Assembly bill No. 69, to be entitled An Act to incorporate the St. Johns and Indian River Canal Company.

Also, Assembly resolution No. 70, relative to a Mail Route in Madison and Taylor counties.

Very respectfully,

WM. FORSYTH BYNUM,
 Clerk of the Assembly.

ASSEMBLY HALL,
 TALLAHASSEE, Fla., July 24, 1868. }

HON. W. H. GLEASON, President of the Senate:

SIR: The Assembly has passed Assembly bill No. 5, to be entitled An Act to enforce Mechanics' and Laborers' lien on Buildings and other property.